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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 5, 2007, at 2 p.m.

Senate

FRIDAY, MAY 25, 2007

The Senate met at 9:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, as Memorial Day approaches, we pause to thank You for those who have laid down their lives for our country. Thank You for heroes and the heroines proved in liberating strife, who more than self their country loved and mercy more than life. Use our lawmakers to honor the sacrifices of those who have given the last full measure of devotion.

May our Senators dedicate themselves to the great task of perfecting Your kingdom of peace and righteousness among all nations. Endue the Members of this body with the courage to be faithful in their work that they may not break faith with those who have fallen on distant battlefields.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will immediately resume consideration of the immigration bill. We have the two managers of the bill here. There will be two amendments from each side to be offered today.

Mr. President, in anticipation of coming back the week after our break, which starts this afternoon, we are going to finish the immigration bill. I hope that we will not have to file cloture. There have been enough amendments offered. I hope we can have a final vote on passage. If things are not going well on Tuesday and Wednesday when we get back, I will consider filing cloture. I will certainly discuss this in detail with the Republican leader, Senator MCCONNELL.

We have made a lot of progress on this bill. It is according to whose view you have as to whether it is forward or backward. As far as I am concerned, the bipartisan agreement that was reached by Democrats and Republicans has put us on a path for resolving one of America's big problems, immigration.

MEASURE PLACED ON CALENDAR—S.J. RES. 14

Mr. REID. Mr. President, I understand that S.J. Res. 14 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 14) expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

Mr. REID. Mr. President, I object to further proceeding at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform, and for other purposes.

Pending:

Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

Grassley/DeMint amendment No. 1166 (to amendment No. 1150), to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

Cornyn modified amendment No. 1184 (to amendment No. 1150), to establish a permanent bar for gang members, terrorists, and other criminals.

Dodd/Menendez amendment No. 1199 (to amendment No. 1150), to increase the number of green cards for parents of United States citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals.

Menendez amendment No. 1194 (to amendment No. 1150), to modify the deadline for the family backlog reduction.

McConnell amendment No. 1170 (to amendment No. 1150), to amend the Help America Vote Act of 2002 to require individuals voting in person to present photo identification.

Feingold amendment No. 1176 (to amendment No. 1150), to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

Durbin/Grassley amendment No. 1231 (to amendment No. 1150), to ensure that employers make efforts to recruit American workers.

Sessions amendment No. 1234 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Sessions amendment No. 1235 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Lieberman amendment No. 1191 (to amendment No. 1150), to provide safeguards against faulty asylum procedures and to improve conditions of detention.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, as this bill has progressed through the week, there has been, in my view, significant progress made. It has truly been a tribute to the leadership on both sides, and I acknowledge the leadership of the majority leader, HARRY REID, in terms of holding people's feet to the fire to get us moving forward with immigration.

We hope to be able to bring this to a conclusion the week after we get back from the Memorial Day break. I understand that this morning we will have about four amendments, two on the Republican side, and two on the Democratic side.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

AMENDMENT NO. 1189 TO AMENDMENT NO. 1150

Mr. CORNYN. Mr. President, on behalf of the Senator from Colorado, Senator ALLARD, I believe there is an amendment at the desk, No. 1189.

I ask unanimous consent that the pending amendments be set aside and ask for the immediate consideration of that amendment, No. 1189.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN], for Mr. ALLARD, proposes an amendment numbered 1189 to amendment No. 1150.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the preference given to people who entered the United States illegally over people seeking to enter the country legally in the merit-based evaluation system for visas)

In section 203(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(1)(A)), as amended by section 502, in the table in that section, strike the items relating to the Supplemental schedule for Zs.

AMENDMENT NO. 1250 TO AMENDMENT NO. 1150

Mr. CORNYN. Mr. President, at this time, I ask unanimous consent to set aside the pending amendment, No. 1189, and ask for the immediate consideration of my amendment No. 1250, which I believe is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The Senator from Texas (Mr. CORNYN) proposes an amendment numbered 1250 to amendment No. 1150.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To address documentation of employment and to make an amendment with respect to mandatory disclosure of information)

In section 601(i)(2)(C) (relating to other documents)—

(1) strike clause (VI) (relating to sworn affidavits);

(2) in clause (V), strike the semicolon at the end and insert a period; and

(3) in clause (IV), add ''and'' at the end.

Strike section 604 (relating to mandatory disclosure of information) and insert the following:

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section 601 and 602, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section 601 and 602 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 601 and 602, any application to extend such status under section 601(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 601 or 602 to make a

determination on any petition or application.

(g) CRIMINAL PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section 601 or 602 are references to sections 601 and 602 of this Act and the amendments made by those sections.

Mr. CORNYN. Mr. President, we have been on this immigration bill now, by some accounts, for 5 days. I will note that we started with a vote on cloture on the motion to proceed at, I believe, 5:30 Monday afternoon. We had Tuesday on the bill, we had Wednesday on the bill, we had Thursday on the bill; here we are on Friday.

My understanding is that the agreement between the parties is that I will be only allowed to offer one additional amendment, in addition to the one currently pending. I understand that limitation, but I want to make clear that I think it sends a bad signal in terms of where this bill is headed in the long run because, all along, while I applaud the majority leader and the minority leader for their willingness to give us an additional week on this bill after the recess, I am worried that because of the slow progress we are making on these amendments, particularly on getting an opportunity to vote on amendments—for example, the one I laid down early on this week—we are going to find ourselves in for a train wreck the week after the recess, when the amendments that have been filed will need to be considered. I am afraid there will be an effort to try to prevent important amendments from being considered.

Let me give you a little context for my concerns. As we all know, this bill was negotiated largely behind closed doors by a bipartisan group of Senators. I have to say that, in many respects, the product we have before us is better than the bill that passed last year, although I could not support it in the end because I have amendments I think are needed to improve it. To give you some context about the need for a robust debate and the freedom to offer amendments and to consider various points of view other than those reflected behind those closed doors, I went back to look at the Judiciary Committee last year, which considered the original McCain-Kennedy bill. There were 62 amendments filed in the Judiciary Committee. The present occupant of the chair knows, as a member of that Committee, it is a very hard-working Committee that considers a lot of important and contentious issues. That committee was bypassed through the process by which this bill has come to the floor this year.

Just an observation. Last year, there were 62 amendments filed in the Judiciary Committee alone that went through a process that was not observed this year. So far, by my current count, there have been 107 amendments filed to the present bill. We have had seven—count them—rollcall votes on amendments so far this week. I don't see any way, short of an attempt to try to cut off debate and to cut off the offering of amendments the week we return, we are going to be able to get through 107 filed amendments.

I think it is important, for a variety of reasons, that we continue to have a robust debate and the freedom to offer amendments because, for the reasons I mentioned a moment ago, this product was largely negotiated behind closed doors by a bipartisan group of Senators. Most of the Members of the Senate have not had a chance to study this bill in great detail, until the final legislative text was prepared by legislative counsel a couple of days ago.

This is an enormously complex issue. The bill has a lot of different moving parts. We bypassed the committee process. My hope is—and this is my plea to our leadership—that we continue to see the kind of expansive opportunities that have been provided so far, with 2 weeks set aside for the debate and to have an opportunity to offer amendments and to have votes on those amendments.

I will point out that on the last bill, which ended up being the Hagel-Martinez compromise, there were 30 rollcall votes, according to my notes. We have had seven so far on this bill, and here we find ourselves on Friday and we have one more week scheduled by the majority leader. I am very concerned that we will not be able to get due consideration of all of the various points of view, and an opportunity to freely offer amendments and get rollcall votes on those amendments that I believe are very important. It is even more important, if it is possible, in this particular legislation.

As my colleague from Colorado knows, he and I were both present during many of the negotiations that have led up to this bill, even though ultimately he agreed to the product, but I could not. That this is an enormously emotional and contentious issue. I bet Senators have gotten more phone calls, e-mails, and correspondence about this issue than virtually anything else that has come before the Senate. It is extraordinarily important to the democratic process and the legislative process to allow people to present their points of view.

We are here as 100 people representing 300 million people. We need to make sure that not only the opinions and points of view of the elites and people who can hire high-priced lobbyists are considered; we need to make sure the views of the American people are considered, given an opportunity for airing and, ultimately, we all respect the process by which these matters are put to votes, and then we respect the right of the majority to make the decision and we move forward.

Anything that would even hint of cutting off the opportunity for the American people to have a full airing of their views, and limiting it to a handful of amendments that have been advocated by lobbyists and other people representing the elites in Washington, DC, I think would be a terrible mistake.

Mr. President, I want to advise my colleague from Colorado of this. There has been a previous agreement that we would be allowed to offer two amendments, and that other amendments would not be allowed to be pending.

At this time, I ask unanimous consent to set aside the pending amendment and send amendment No. 1238 to the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SALAZAR. Mr. President, reserving the right to object, and I will object, there was an agreement reached between the Republican leader and the majority leader that there would be two amendments offered on each side today. The Senator from Texas has offered one amendment on behalf of Senator ALLARD, and he has offered a second amendment on his behalf. If I may further comment in responding to some of his suggestions——

Mr. CORNYN. Mr. President, I reclaim my time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. SALAZAR. I want to place this in context. The fact is that there has been a tremendous amount of work that has already been going on in this Chamber during this last week. I inquire, without losing my place at the podium, of the parliamentary situation.

The ACTING PRESIDENT pro tempore. The Senator from Texas has the floor on his unanimous consent request.

Mr. SALAZAR. I yield the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. Mr. President, I expected the distinguished Senator from Colorado to lodge an objection to my amendment.

Mr. SALAZAR. Mr. President, I did object to a third amendment that the Senator from Texas wanted to submit.

Mr. CORNYN. Reclaiming my right to the floor, that is my understanding. I wish to make clear that he has objected, and I wish to make clear that I was not a party to any agreement that would limit us to the number of amendments we would offer today, but I respect that. I offer the amendment to make this point: There are at least 107 amendments that remain to be brought forward and considered. Here we are on Friday completing the first

week of what has been set aside as 2 weeks for the consideration of perhaps the most important domestic issue confronting our country today. There will be no votes today. Colleagues are returning either home or off on various travels around the world, and we are here with the most important domestic issue confronting our country today and really not proceeding at a pace that would give us any realistic expectation of getting this matter completed in the way I think this matter needs to be treated.

I understand and I respect the Senator from Colorado making an objection to my offering further amendments, but we all can see what is going on here, and I think it portends some very disconcerting things when we are not proceeding at a pace we need to in order to actually get the business of the American people taken care of on this important issue.

I expect if I offer other amendments that there likewise will be an objection, so I will not at this time make further offerings of amendments, but I do have in my hand further amendments—amendment No. 1208, which is an amendment I would offer if possible. I also have another amendment, amendment No. 1247, which deals with State impact assistance fees.

One of the reasons people are so upset about the Federal Government's complete failure to deal with border security and enforce our immigration laws is that most of the consequences fall on local taxpayers. In my State of Texas, the Federal Government has issued a mandate that says no matter who shows up in your schools, your communities, or in your hospitals, you have to treat them, you have to provide services to them, but the Federal Government doesn't pay for it. The Federal Government needs to pay for these unfunded mandates, and this State impact assistance fee amendment will provide that kind of relief to local taxpayers.

I understand where we are, and I respect there has been this agreement between the leaders, and I understand the Senator needs to object, but I reiterate, we need to get moving. We need to have more amendments offered. We need to have more votes and less time off without votes, as we are obviously having today.

I will now return to the amendment that I offered this morning and that was allowed. Let me return now to my amendment No. 1250 and explain what this amendment does provide. My hope is that we can, when we return on Monday—actually, I guess it will be Tuesday, June 5—that we will have an opportunity for an early vote on this amendment as well as the pending amendment I have that will prevent rewarding those who have abused our laws and who have really thumbed their nose at our legal system, who have been ordered deported and who have simply gone on the lam, melted into the American landscape and defied the lawful orders of our courts. These are people who have been ordered deported, have actually been deported, but then they returned to the United States in violation of our immigration laws, both of which constitute felonies. It is my hope that I can get a vote on that amendment, which has been pending now for several days, soon after we return.

It is my understanding our colleagues are working on some side-by-side agreement to provide some cover for those who don't vote for my amendment, but I think we will have to evaluate that when we see it. I regret the fact that we have not been able to get votes on our amendments because of objections primarily on the other side.

There is a major flaw in this legislation, and that flaw is that it will, unless corrected, repeat a fundamental mistake that was made by Congress when Congress last passed massive legalization of undocumented immigrants in 1986. The American people do not expect too much of us, but they do expect that we will not repeat past mistakes.

I remember the definition of ''insanity'' once offered was that you do the same thing over and over again expecting a different outcome. That is the definition of ''insanity.'' This would be a terrible mistake if we pass this legislation without correcting a major flaw in the 1986 amnesty bill that was passed by Congress, after having learned from experience what the consequences of that flaw are.

Under this bill, anyone in the United States in violation of our immigration laws can come forward and apply for legal status with impunity. Quite simply, the Department of Homeland Security is prohibited from using internally all of the information from the Z applications as well as sharing information with relevant law enforcement authorities. For example, if an applicant comes forward and is denied legalization because of some disqualifying feature, this legislation, as currently written without my amendment, will prevent Immigration and Customs Enforcement, the immigration enforcement authorities, from using the information from that application to apprehend that person.

What we learned from the 1986 amnesty was what the New York Times said—that it created the largest immigration fraud in the history of the United States. That is the mistake my amendment will attempt to correct. As we know from the general counsel of the Immigration and Naturalization Service under President Clinton, the statutory restrictions on sharing information and providing confidentiality of the applications of those who apply for amnesty contributed enormously to that fraud.

The population that will benefit from this legislation should be treated with no more confidentiality than any other classes of immigrants. We don't afford this robust confidentiality protection to other immigrant classes, such as asylees or battered women or those applying for temporary protected status, so I ask: Why the double standard?

When an asylum seeker applies for legal status, that asylum seeker must submit an application and return at a later date for a decision. If that asylum seeker is denied, he or she is taken into custody or provided a notice to appear on the spot based on the information provided by the applicant.

The proponents of this legislation will tell us that without these guarantees of confidentiality, those who are already in the United States in violation of our immigration laws will not come forward and seek legal status. But I must ask: Are we not granting the biggest benefit that can ever be conferred to an immigrant population; that is, legal status after they have violated our immigration laws? And to be clear, we are talking about those who cannot even establish that they meet the minimum requirements to get this valuable benefit and, even worse, have flouted our immigration and criminal laws. Why should we treat individuals who are denied a Z visa with broad privacy protections by the mere filing of an application for that status? Why should they be treated differently from everybody else?

The proponents will say they do exempt from confidentiality those individuals who commit fraud or who are part of some other scheme in connection with their application. Of course, this is the very least we should be doing. But this bill does not go nearly far enough to effectively enforce our immigration laws and protect the American people from criminals and others who might do us harm. For example, at page 311 of this bill, in section 604(b) labeled ''Exceptions to Confidentiality,'' the drafters of the compromise have chosen to protect aliens who are criminal absconders who have not been removed from the United States. You may be asking: What is an absconder? Quite simply, an absconder is someone who has ignored a final court-ordered deportation and can be prosecuted for a separate felony offense which is punishable by up to 4 years in prison. So the drafters of this underlying bill have chosen to protect that class of people who have not been removed from the United States.

We all know that hundreds of thousands of immigrants come across our borders each year, many legally, a lot more illegally. But what most Americans would be shocked to hear is that according to recent estimates, almost 700,000 of those who have been ordered deported have simply failed to comply with that court order. How many Americans think it is OK to ignore the lawful order of one of our courts? How many Americans, after receiving a subpoena from a court, ignore it and simply skip the court date?

As my colleagues know, I have offered a separate amendment that would

categorically bar fugitive aliens from receiving amnesty. I believe this is an issue of fundamental fairness and the integrity of the rule of law.

In exchange for the largest legalization program in our Nation's history, we should be able to say without any doubt that for any person who applies for and is denied a Z visa on any grounds, we will authorize Immigration and Customs Enforcement to take that application, arrest that individual, and to deport them as not qualifying under the laws of the land. But the bill the Senate is considering would turn a blind eye to those who would apply for this amnesty and are denied. This bill would allow them to slide back into the shadows—the very problem we are trying to solve by this bill.

Ask a random citizen on the street today to answer this simple question: Someone who has violated our immigration laws comes forward to apply for legal status under this bill. Because the applicant does not satisfy one of the criteria for being awarded legal status, the applicant is denied a Z visa. What happens to that individual under the present bill if my amendment is not adopted? I don't think we could find 1 out of 100 who would say something other than: Well, they should go home. And I suspect the majority would say they should be arrested on the spot and be deported. Yet the so-called confidentiality provisions in this bill will prevent law enforcement officials from using information on the application to locate and remove a significant population of those who cannot qualify for a Z visa because they are simply disqualified by law.

This is, in essence, providing an opportunity to significant categories of individuals whose applications are considered and rejected to slide back into the shadows and to defy our laws. This is the very problem we have been told this legislation was designed to fix. Yet it is designed in reality for failure unless this amendment is accepted.

The whole point of this exercise, we continue to be told, is to enhance U.S. security by bringing people out of the shadows and into the open, to allow people who want to cooperate with the law to do so, while allowing our law enforcement officials to focus their efforts on drug traffickers, on criminals, and others who may come here to do us harm. But this bill would draw those who have entered our country in violation of our immigration laws or who have overstayed in violation of those laws to do so and to slide back into the shadows without allowing the law to be enforced.

I would like to remind my colleagues of our Nation's recent history with a massive legalization program and the consequences of prohibitions of Federal agencies on information sharing. As I have stated, reasonable observers have concluded that the 1986 amnesty was rife with fraud. There was an article written in the New York Times, I believe it was 1989, and it called this one of the most massive frauds in American history.

We know, for example, from the 9/11 Commission staff statements that Mohammed and Abouhalima, conspirators in the 1993 World Trade Center bombing, were granted green cards, or legal permanent resident status, under the special agricultural worker program, which was an amnesty program created by the 1986 bill. Under this special agricultural worker program, a key component of that 1986 amnesty bill, applicants had to provide evidence that they had worked on perishable crops for at least 90 days between May 1, 1985, and May 1, 1986. Their residence did not have to be continuous or unlawful. Nearly 1 million of these individuals who applied received legal permanent resident status under this amnesty, twice the number of foreigners normally employed in agriculture at that time according to the 9/11 Commission and staff.

I would like to make one last significant point about the ill-conceived confidentiality protections contained in this compromise bill. Under this bill we are considering, Congress would even prohibit the use of information from the sworn third-party affidavits that are one of the documents that can prove eligibility. Let me say that again. Under this bill, you can get some third party—there is no requirement of who they might be: a friend, a family member, anybody—to sign an affidavit attesting that you were lawfully present—or that you were present, not lawfully but you were present—in the United States as of a certain date in order to qualify for benefits under this bill.

We already know from well-documented prosecutions of document vendors and other legalization cases that the type of documents submitted, especially these kinds of sworn affidavits, without limitation, were used to further fraud. At the very least, we should not repeat the mistakes of 1986 by allowing the continued use of sworn affidavits by those who have already shown their willingness to violate our laws in order to gain the benefits under this bill.

My amendment takes care of that concern because it will allow those sort of false documents to be investigated and, where necessary, prosecuted. Those who engage in cottage industries of massive fraud on a huge scale can be investigated by our authorities and prosecuted where warranted. My amendment takes care of that concern.

We know one thing, criminals and terrorists have abused and will continue to seek ways to abuse our immigration system in order to enter and remain in our country. I regret to say that the bill we are debating today fails to give law enforcement the commonsense tools that would prevent terrorists and others who seek to do us harm from exploiting the vulnerabilities inherent in any massive legalization program. My colleagues may say there is a confidentiality exception for national security and for fraud, but to rely solely on these narrow exceptions is to engage in wishful thinking and, as far as I am concerned, ignores history and hard experience and the terrorist and criminal threats that we face.

Why would we leave any of this to chance? Why would we turn a blind eye to the type of abuses that we have seen happen in the past and risk it happening again in this bill? I submit that any rejected application not only will provide valuable information to assist in deporting a person that is not entitled under our own laws to the benefits under this bill but may provide law enforcement with a valuable lead that they were previously unaware of, a lead that could—and this is not too much of a stretch—potentially save lives and, at the very least, improve public safety.

Failure to allow law enforcement to connect the dots is a deadly mistake. I have heard many of my colleagues promise never would that happen again. So I urge those who are truly serious about their commitment to make sure the mistakes of the past don't occur again, and that we don't expose the American people to an unnecessary risk and ultimately lose their confidence by enacting a law that cannot be enforced. If we do that, I think we will not have done our job. So I urge all of us who are serious about this commitment to support my amendment to make this crucial improvement to this legislation.

Mr. President, I have to make one correction. Apparently, affidavits are not allowed from relatives but are from nonrelatives. So you can't get your brother-in-law, I guess, to sign an affidavit saying when you were in the United States, but you can get a stranger on the street or someone else to sign an affidavit saying, yes, JOHN CORNYN was present in the United States as of this date. What we want to do is bring a little sunshine to this process to allow our law enforcement officials to do what they have sworn to do, and which they do so nobly and so valiantly day in and day out, and that is investigate crime, bring those who break our laws to justice, to root out fraud, and to make sure our laws do work.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. CORNYN. I will be glad to yield.

Mr. SESSIONS. Mr. President, I thank Senator CORNYN for his tireless effort and his great knowledge of the complexities of the issues involved in any comprehensive immigration reform. I know he has worked hard to try to craft a comprehensive bill but one that will actually work. That is the question.

I know the Senator has developed great concerns about that and has offered a number of amendments, some

excellent law enforcement amendments, drawn, I know, from his experience as a former attorney general in Texas and a member of the supreme court in Texas. I believe, as a former Federal prosecutor, those amendments are essential to having a successful immigration program.

I would like to hear why it is that now 3 days into this bill he has not been able to get a vote on those amendments and about other amendments that he has offered this morning, whether he has been successful in even calling them up for consideration.

Mr. CORNYN. Well, Mr. President, I appreciate the question from the distinguished Senator from Alabama, who was a former U.S. attorney, former attorney general of his State, as the occupant of the chair was of his State, as was, as a matter of fact, Senator SALAZAR. It seems as if we have a former attorneys general convention right here on the floor of the Senate, all of us engaged in law enforcement actions most of our professional lives.

To answer the Senator's question, I am simply at a loss to understand why, on the single most important domestic issue facing our country today—our broken borders and our immigration system. This is designed to fail because of these barriers of information sharing that have been erected and because of the confidentiality provisions that have been slapped on affidavits and other evidence of fraud that might help us root out and investigate wrongdoers and bring them to justice. I think this is the main reason people are so profoundly skeptical of what we are doing today.

I don't think any of us should be under any illusion that if we erect this nice, pretty superstructure that we talk about, that the elements of the bill that are meritorious—things such as triggers, things such as enhanced border security, effective worksite verification—if we undermine it, if we simply cut the legs out from under the ability of law enforcement officials to enforce this law in a way that will see it collapse again, like the 1986 amnesty bill did, and we don't learn from that hard experience and improve this bill and eliminate those errors and those flaws, I think we will have failed the essential purpose for which we were sent here—to represent the American people, to see that the laws are respected, to see that law and order are reestablished.

I really do believe the reason people are so upset about this issue is because they see rampant lawlessness and disregard for the law in our immigration system. They recognize that in a post-9/11 world that our broken borders can allow economic migrants to come across.

We all understand why people want to come to America. It is the same reason they always have: they want a better life. We understand that. But we have to know who is coming into our country and the reasons they come here. We have offered generous temporary worker programs under this bill so they could come legally, so they could be screened, so law enforcement could focus on the criminals, potential terrorists, and others who want to do us harm. But why in the world, I would ask my colleagues, would we want to leave these flaws in the bill which prohibit our law enforcement officials from doing their job, from investigating and rooting out fraud and criminality and bringing wrongdoers to justice?

Mr. SESSIONS. Mr. President, will the Senator yield for another question?

Mr. CORNYN. I will.

Mr. SESSIONS. I would just ask this question, through the Chair. Is it similar to the bill last year? Did they not improve the language that basically said if you file a false document for a benefit under this bill, that is really not subject to being examined and investigated and prosecuted?

If an American filed a false claim for hurricane relief or any government benefit, that is a violation of title XVIII, section 1001. I have prosecuted it many times. But persons who are here illegally, noncitizens, can file false statements and then there is a mechanism that blocks that from being actually investigated and perhaps prosecuted?

Mr. CORNYN. I would answer the distinguished Senator by saying there have been some modest steps in improving the flaws in last year's bill. As we have discussed privately and on the Senate floor, I think we ought to give some credit where credit is due to see this bill strengthened over the flawed bill that passed the Senate last year.

But to answer his question, there are still confidentiality provisions in this bill which would allow fraud to go undetected, uninvestigated, and not prosecuted. I don't know why in the world we would possibly stand silently and allow that to happen. I am not going to, and that is the reason I have offered this amendment.

I see on the Senate floor the other distinguished Senator from Colorado, my friend Mr. ALLARD, who has also offered other important legislation to allow information sharing between law enforcement personnel. It was as a result of the Swift meatpacking plant raids that Senator ALLARD held meetings on, which I attended, that we learned the very tool that our Federal Government has given employers to confirm eligibility to work is flawed, and Social Security information cannot be shared with the Department of Homeland Security.

So we find people, such as the Swift meatpacking plant operators, using the Basic Pilot to check whether a person shows up and says: My name is JOHN CORNYN, and here is JOHN CORNYN's Social Security number. They run it through Basic Pilot. It says, yes, that is JOHN CORNYN's Social Security number, but the fact is, it is KEN SALAZAR using JOHN CORNYN's Social Security number, or somebody else, and it doesn't root out that kind of fraud.

What we need to do is make sure all manner of fraud and illegality are capable of being fully investigated, fully prosecuted, where warranted, and that our laws are enforced. That is the flaw that my amendment seeks to correct. And I continue to believe other amendments that have so far not been allowed to be called up, some 107 that have been filed, when we actually had votes on 30 amendments in last year's bill, and we have only had 7 so far, that we are really not going at the kind of pace at which I would hope we would proceed to be able to amend and improve this bill in a way that we could be proud of and that we would know would actually work.

That, to me, is one of the key pillars upon which this legislation ought to be built: Will it work? Can it be enforced? If it can't, we will have failed.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I appreciate the comments from my good friend from Texas. I wish to respond to the notion that this Chamber is not taking sufficient time in order to consider the issue of immigration and immigration reform. We have, indeed, been on a very long journey to try to grapple with this issue which, at the base of it, is the fundamental question of national security.

It was last year, for most of the month of May, where this Senate debated a comprehensive immigration reform package. It was an immigration reform package that had gone through the Senate Judiciary Committee and was amended multiple times on the floor of the Senate. Now, for the last many months, perhaps as many as 4 to 5 months, there have been a group of Senators, Republicans and Democrats, working with Secretary Chertoff and Secretary Gutierrez and President Bush to try to come up with a comprehensive immigration reform package, which is now the package that is before this Chamber.

I submit, in response to my good friend from Texas, that there has been ample opportunity for us to deal with the issue of immigration reform and to come up with a system that is, in fact, workable.

On this specific issue, what we have done during this past week is—there have been 23 amendments that have been offered. There have been 13 of those amendments that have been disposed of—7 of those have been disposed of with rollcall votes, 6 of them with voice votes. There were 10 amendments pending as of yesterday; there will be 4 more amendments pending as of today.

At the request of many Republican colleagues, Senator REID agreed it was important for us to take an additional week to be able to fully debate this very complicated and very difficult and very emotional issue on how we move forward with immigration reform. We did not get to a conclusion of this debate this week because Senator REID

thought it important to take another week to fully consider the legislation before us.

Indeed, during the week that Members of the Senate are working back in their districts or doing what they may be doing during this next week, it is going to be another opportunity for Members of the Senate to continue to study the provisions of this legislation. But this legislation was not pulled out of the darkness one day and placed on the floor of the Senate. This legislation was crafted with significant input from both Republican and Democratic Senators and with the guidance of Secretary Chertoff. While it may not be perfect, and while the efforts on the floor of the Senate this week and the week after we return from the Memorial Day break will improve upon the bill, there has been a huge amount of energy that has gone into creating an immigration reform package that will, in fact, work.

At the end of the day, I remind all our colleagues and those who are watching, what is at stake is moving from a system of a broken border and lawlessness that relates to immigration in this country to a system that works. We need to find a solution that will fix those broken borders. We need to find solutions that will, in fact, make sure the laws of the Nation on immigration are enforced.

For 20 years, this country has looked the other way. We are a Nation of laws. We ought to be enforcing the laws as this legislation moves forward, making sure we are going to have the laws and the capacity to enforce those laws in our interior, and we need to have a realistic solution to deal with the 12 million undocumented workers here in America. To those who would be part of the ''round them up and deport them'' crowd, I remind them that is an unrealistic solution. As the President of the United States said during the last week: To round up 12 million people, to put them on buses and railroads and whatever other way one would want to round up those 12 million people and send them elsewhere is not a realistic solution.

This proposal that is now before the Senate, which was carefully crafted with significant input from the administration and the leadership of the President, is a good way for us to move forward. I hope, as we go on into the week after the Memorial Day work period, at that point in time there will be ample opportunity to have a robust and orderly debate on amendments that my colleagues will bring forth to try to further improve the bill.

AMENDMENT NO. 1183 TO AMENDMENT NO. 1150

Mr. President, I ask unanimous consent the pending amendments be laid aside, that the Senate turn to consideration of an amendment by Senator CLINTON, amendment No. 1183.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for Mrs. CLINTON, for herself, Mr. HAGEL and Mr. MENENDEZ, proposes an amendment numbered 1183 to amendment No. 1150.

Mr. SALAZAR. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reclassify the spouses and minor children of lawful permanent residents as immediate relatives)

On page 238, line 13, strike ''567,000'' and insert ''480,000''.

On page 238, line 19, strike ''127,000'' and insert ''40,000''.

On page 247, line 1, insert ''or the child or spouse of an alien lawfully admitted for permanent residence'' after ''United States''.

On page 247, line 5, insert ''or lawful permanent resident'' after ''citizen''.

On page 247, line 6, insert ''or lawful permanent resident'' after ''citizen''.

On page 247, line 6, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 247, line 7, insert ''or lawful permanent resident'' after ''citizen''.

On page 247, line 8, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 247, line 9, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 247, line 15, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 247, line 24, insert ''or lawful permanent resident'' after ''citizen''.

On page 248, strike lines 2 through 11.

On page 248, line 13, strike the first ''(3)'' and insert ''(2)''.

On page 249, line 1, strike ''(4)'' and insert ''(3)''.

On page 250, between lines 42 and 43, insert the following:

(5) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1)—

(i) by striking ''paragraphs (2) and (3),'' and inserting ''paragraph (2),''; and

(ii) by striking ''(b)(2)(A)(i)'' and inserting ''(b)(2)'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking ''(b)(2)(A)'' and inserting ''(b)(2)''.

(6) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(7) ALLOCATION OF IMMIGRATION VISAS.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)'';

(ii) in subparagraph (A), by striking ''becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent)'', and inserting ''became available for the alien's parent,''; and

(iii) in subparagraph (B), by striking ''applicable'';

(B) in paragraph (2), by striking ''The petition'' and all that follows through the period and inserting ''The petition described in this paragraph is a petition filed under section 204 for classification of the alien parent under subsection (a) or (b).''; and

(C) in paragraph (3), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)''.

(8) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting ''or legal permanent resident'' after ''citizenship'';

(II) in clause (iv)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) by inserting ''or legal permanent resident'' after ''citizenship'';

(III) in clause (v)(I), by inserting ''or legal permanent resident'' after ''citizen''; and

(IV) in clause (vi)—

(aa) by inserting ''or legal permanent resident status'' after ''renunciation of citizenship''; and

(bb) by inserting ''or legal permanent resident'' after ''abuser's citizenship'';

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking ''subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)'' and inserting ''clause (iii) or (iv) of subparagraph (A)''; and

(v) in subparagraph (I), as so redesignated—

(I) by striking ''or clause (ii) or (iii) of subparagraph (B)''; and

(II) by striking ''under subparagraphs (C) and (D)'' and inserting ''under subparagraphs (B) and (C)'';

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking ''or a petition filed under subsection (a)(1)(B)(ii)''; and

(D) in subsection (j), by striking ''subsection (a)(1)(D)'' and inserting ''subsection (a)(1)(C)''.

AMENDMENT NO. 1202 TO AMENDMENT NO. 1150

Mr. SALAZAR. Mr. President, I now ask the pending amendment be set aside and the Senate proceed to the consideration of the amendment of Senator OBAMA, amendment No. 1202.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for Mr. OBAMA, for himself and Mr. MENENDEZ, proposes amendment numbered 1202 to amendment No. 1150.

Mr. SALAZAR. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a date on which the authority of the section relating to the increasing of American competitiveness through a merit-based evaluation system for immigrants shall be terminated)

At the end of title V, insert the following:

SEC. 509. TERMINATION.

(a) IN GENERAL.—The amendments described in subsection (b) shall be effective

during the 5-year period ending on September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted.

(b) PROVISIONS.—The amendments described in this subsection are the following:

(1) The amendments made by subsections (a) and (b) of section 501.

(2) The amendments made by subsections (b), (c), and (e) of section 502.

(3) The amendments made by subsections (a), (b), (c), (d), and (g) of section 503.

(4) The amendments made by subsection (a) of section 504.

(c) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) TEMPORARY SUPPLEMENTAL ALLOCATION.—Section 201(d) (8 U.S.C. 1151(d)) is amended by adding at the end the follows new paragraphs:

''(3) TEMPORARY SUPPLEMENTAL ALLOCATION.—Notwithstanding paragraphs (1) and (2), there shall be a temporary supplemental allocation of visas as follows:

''(A) For the first 5 fiscal years in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(B) In the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(C) Starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number equal to the number of aliens described in section 101(a)(15)(Z) who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further aliens described in section 101(a)(15)(Z) adjust status.

''(4) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in paragraph (3) shall terminate when the number of visas calculated pursuant to paragraph (3)(C) is zero.

''(5) LIMITATION.—The temporary supplemental visas described in paragraph (3) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted.

Mr. SALAZAR. Mr. President, I see my colleague and friend from Colorado, Senator ALLARD, on the floor to speak to his amendment.

I yield the floor to Senator ALLARD.

Mr. CORNYN. Mr. President, I am certainly going to yield to Senator ALLARD, if I may make a brief—about 1-minute—response to my friend, Senator SALAZAR.

I have in my hand the bill that was actually laid down by the majority leader and others. It is 789 pages. This is not actually the bill we are on. As you know, and as my colleagues know, there has been a substitute bill that was not put in final legislative language until Tuesday. Those who did not participate in the closed-door meetings that produced what has been sometimes called the ''grand bargain''—while I have been clear to give them credit where credit is due—I think they would appreciate the fact that not everybody has had access to the same information. Certainly not all Members of the Senate and our staffs have had access to the legislative text we are actually voting on and to which we are actually offering amendments.

As the Senator from Colorado acknowledged, we all know how complicated this subject is. It is enormously detailed. We are doing our best to try to keep up. My hope is we can continue to work together to try to work our way through this. I think that is the spirit in which we are all trying to work.

Nobody wants to blow this up. We all want to find a solution. We have some differences on what those solutions might be, but this is where those differences are debated, where the process allows amendments, suggested changes and improvements to be offered, and then in the end we will vote. But I wished to express my concerns that we be given the opportunity to do a good, conscientious job on behalf of our constituents, on behalf of the American people, in what I believe is the single most important domestic issue confronting our country today. That is the sum and substance of my part.

I am glad to yield to the distinguished Senator from Colorado, Senator ALLARD.

The ACTING PRESIDENT pro tempore. The senior Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I thank my colleagues who have worked on the compromise committee. Senator CORNYN from Texas has done yeoman's work on this issue of immigration. He has a good understanding of the bill. I appreciate it. My colleague from Colorado, Senator SALAZAR, has also worked hard on this particular piece of legislation.

I wish to say before Senator CORNYN leaves the floor, how much I appreciate his efforts and appreciate the fact that he did put forward, this morning, my amendment dealing with the supplemental schedule for Zs, that is the Z visas, because I think this is an important issue to debate. I appreciate him doing it for me on my behalf.

I am very disappointed the leadership has limited us to only two amendments that we can call up today. I have a total of about five that I am working on. I have four ready to be called up. I was not a member of the compromise committee. I know Senator CORNYN is a very honorable Senator. Whenever I inquired of him as to what was going on in the conference committee, the bipartisan committee, he didn't believe he could share that information with me because he believed he was working within the committee.

The vast majority of us are looking at some of these issues for the first time. Some of them are issues that have been coming up before the Senate from the previous debate and they are old hat. But the fact is, this is a new bill. In my office on Saturday morning, I got a rough draft with things penciled in, in the margins. That is what comes out of the committee. Then, as mentioned, on Monday night the substitute amendment was finally filed in the Senate. It wasn't until Tuesday that we got a final print of the bill. I don't know how many pages are in the final bill—I think it would be close to 1,000 pages in standard format. I do not believe I have had an adequate opportunity to have input. I was assured by the leadership that there is going to be plenty of opportunity for amendments—don't worry. But here we are on Friday and we are limited to two that we can call up.

I have four here at the desk that I have filed, but I think the people need to understand, because you file them doesn't mean you get to bring them up and have a vote on them. They have to be made pending. That is what Senator CORNYN has done to help me out on one of my amendments. I thank him for that effort.

First, let me comment a little bit about the general direction of this legislation. In current law we have what we call chain migration. What happens with chain migration is you come into the United States, and once you become legally here in the United States, that allows members of your extended family to follow you in.

We are moving more toward a merit-based system, which is a direction in which we need to move. We cannot absolutely go all merit based, but I do think it is moving us in the right direction because we do have real needs out there. We need to identify those needs in the workplace. If we need to fill those with immigrants, we need to give business an opportunity to do that. On the other hand, probably more important than anything is we must make sure we have accountability in the system so we know who is coming into the country and for what purpose; that is, they want to have jobs or they want to be Americans. We don't want people coming into this country because they are terrorists and they want to destroy our society. We don't want people coming into this country because they are part of a drug cartel or they are smuggling weapons—in or out. We do need to secure our borders. I think that is the primary thing we need to accomplish. There are provisions in this bill that make me believe our borders will be more secure than as a result of the previous legislation—certainly more secure than what we are seeing today on our borders.

I do, however, have a number of concerns with the bill. To address one of those concerns, I introduced amendment No. 1189, which is my amendment that Senator CORNYN called up, and that refers to the supplemental schedule for Zs. This section, in my point of view, is a great inequity in the bill because it rewards lawbreakers over law abiders.

Ironically, this inequity is in the same section of the bill that rewards would-be immigrants based on merit. The only thing that breaking the law should merit, in my view, is jail time.

To be clear, I strongly support curbing chain migration and moving our system to one based on merit. However, I believe all applicants under the merit-based system should be on a level playing field.

By now, most of us are familiar with the bill's merit-based system that awards points to immigrants based on criteria such as employment, education, and knowledge of English.

What many may not know is the enormous advantage the bill's point system gives to people who have violated our immigration laws relative to people who are seeking to enter this country legally. I am referring to the so-called supplemental schedule for Zs. This separate schedule awards up to 50 bonus points, points that are not available to people who have never broken our immigration laws, to holders of Z visas seeking permanent status.

Holders of Z visas are, by definition, lawbreakers. In fact, this bill specifically requires that an alien prove he or she broke the law in order to even be eligible for the Z visas. In effect, this supplemental schedule rewards people who entered this country illegally. Worse yet, it disadvantages other qualified people who seek to enter this country legally.

The bill's stated purpose of adopting a merit-based system is that the United States benefits from a workforce that has diverse skills, experience, and training. I happen to agree. I have stated that before. I am simply not convinced that a history of breaking the law contributes to this goal more than education and experience. My amendment simply strikes the special schedule that makes people who have violated our immigration laws eligible for points that others are not eligible for. I strike that provision.

I just strike that provision so it puts everyone on a level playing field. Visa holders would, however, still be eligible, up to their 100 points we provided in there under the regular schedule—the exact same number as anybody else.

We should not reward those who have broken the law, and we certainly should not punish those who have abided by the law. I urge my colleagues to support that amendment when it comes up for a vote.

Now, I have other amendments I very much would like to put forth. I understand that if I were to call them up at this particular point in time, I would put my colleague from Colorado in a terrible position, that he would have to object to my amendment when I ask unanimous consent to call it up. I don't want to do that. But what I do want to do is I want to talk about these particular amendments for a moment. Even though they have been introduced, I am not going to have an opportunity to call them up. I think these amendments are important provisions that would add to the bill in a positive way.

One amendment I have is number 1187. Obviously I am not going to have a chance to call it up today. This particular amendment addresses the issue of identity theft and tries to improve the legislation at hand by protecting the identity of hard-working Americans, which is of the utmost importance to me.

By way of background, this identity theft issue was called to my attention when we had some identity thefts that were pretty rampant in northern Colorado, close to where I live in Greeley, and I have discovered it is a rampant problem throughout the country.

Now, again, I commend the drafters of the bill for including my proposal to allow for information sharing between the Social Security Administration and the Department of Homeland Security in the current bill. I had an opportunity to meet with the Secretary of Homeland Security, Secretary Chertoff, I had an opportunity to meet with the Secretary of Commerce, Secretary Gutierrez, and I had an opportunity to meet with my colleagues, including my colleague from Colorado, on this most important issue. I think that including that provision in there where we have now information sharing between Social Security and Homeland Security in the bill is going to be very helpful for us to identify identity theft. If anything else, the real victims in this are people who get their ID stolen, and it is a price they pay for the rest of their lives. It tracks with them all the way until they are receiving their Social Security benefits. So it was a critical first step to get this provision in the bill so that we can address the issue of identity theft and help many innocent victims.

Contributing to the problem is the fact that under current law, Government agencies are prevented from sharing information with other Government agencies. After 9/11, one of our stated purposes was to break down the walls between the various agencies. Well, here we are. We find there is one that is remaining, between Social Security and Homeland Security. The bill addresses this issue. Going forward, when we find two names on the same Social Security number, Social Security can contact Homeland Security and say: Look, this is a number which has come to us, and we suspect fraud because we have two names on the same number. Then when the employer now calls in to check with Homeland Security about a Social Security number, they can say: Well, we have problems with this particular number. We think this could be an illegal immigrant, and we think you need to further check it out, and we will help you check it out.

Now, this is sort of the program which was in place when we had the raids on Swift & Company in Greeley, CO. But I will talk a little bit more about that later.

According to the Federal Trade Commission 2006 database, victims' identification has been misused to obtain credit cards, bank accounts, loans, and a long list of other things, including employment fraud. The current national average of employment fraud is 14 percent of all reported identity theft occurrences. Nationally, my home State of Colorado ranks sixth in overall identity theft. Seventeen percent of reported cases involve employment fraud, by the way. Massachusetts ranks 22nd, Pennsylvania 19th, and the FTC designated Arizona as the No. 1 State for identity theft. An estimated 39 percent—almost 40—of those reports involve employment fraud.

That is why it is very important that we address this problem which came up when we had the raid on Swift & Company because what was happening with Swift & Company is they were working with Homeland Security to do what they call a basic pilot. So whenever anybody came in to Swift & Company and asked for a job, their employment application information was sent to Homeland Security. Homeland Security reviewed it and said: That is fine, go ahead and hire them, Swift & Company. Then Swift & Company goes and hires them. Then those very same people they were supposed to have cleared as legal immigrants, they arrested them for being here illegally. Now, if the Federal agencies cannot enforce our immigration laws, how can we expect the employers to comply with the current law? That is why my proposal is so very important. It is important to put sound measures in place now to uncover this identity theft and to prevent further damage to these innocent victims.

Getting back to my amendment at issue today, Amendment 1187—I have not called it up, just introduced it, and I am not sure I am going to get a vote on it. It adds to the list of credentials needed to obtain a Z visa. It is an additive to what is already in this bill.

The underlying bill requires applicants for Z visas to submit a variety of personal information, such as their name and date of birth. My amendment will add one more piece of information that will offer peace of mind to all who have fallen victim to identify theft. It requires the Z visa applicant to disclose all past names and Social Security numbers they have used in their work in the United States.

This will create a documented record of compromised identities. Failure to provide this information will jeopardize the applicant's ability to obtain a Z visa. My amendment would permit Government agencies to share information with other agencies. These agencies may then notify the rightful assignee, alerting the victim that their identity was compromised, allowing the victim to repair their standing with Government agencies and finance and credit, and finally returning a sense of personal security and integrity.

So I think it is important that we address this issue. We must do everything possible to end identity theft. I look

forward to working with my colleagues. I hope I will have an opportunity to call up this amendment so we can vote on it, so we can make it a part of this particular bill, because it is an important aspect of identity theft that is simply not addressed in the bill. I think it adds to what we are trying to do in the bill. I am disappointed that I am not going to be able to move forward on this.

AMENDMENT NO. 1188

Now, Mr. President, I also have another amendment, 1188. Again, that has been introduced. This is an amendment which I have put at the desk which would help prevent further accrual of Social Security benefits by unauthorized workers. Currently, the Social Security Administration does not have real-time information relating to the eligibility of an alien to engage in employment in the United States. Consequently, someone working in the United States on an expired visa continues to accrue Social Security benefits for their unauthorized work.

My amendment, 1188, would require the Secretary of Homeland Security to notify the Commissioner of Social Security when he or she grants, renews, or revokes authority to engage in employment. It then prohibits the Social Security Administration from counting work during that time if an individual, if not a citizen or a national, is unauthorized to work in the United States.

In summary, this amendment simply facilitates the sharing of existing information among Government agencies, again to prevent fraud. It is forward-looking in nature. It does not look back. It does nothing to upset the bill's delicate balance. It is simply a better way of doing things moving forward.

So those are some of the issues I have concern about. I am disappointed again that we have put a limit on amendments. They are meaningful amendments and would add to what would be viewed, I think by most Members of the Senate, as positive in nature in trying to help secure this country's borders, to help protect individuals from identity theft and break down the barriers we have or the firewalls we have between various agencies.

I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I will take a look at the amendment my colleague from Colorado has pending, amendment No. 1189.

I do wish to say this about my colleague from Colorado: He has been a champion for agriculture all his life. He is a fifth-generation Coloradan. He understands what it is like out in the country, coming from a place in Jackson County, Walden, CO, for now five generations.

A concern I have with his amendment, and I will take a further look at it, is that it seems to strike at the heart of the AgJOBS provision of this legislation. The AgJOBS provision of this legislation is an essential part of the agreement here that we need to move forward and create a system that will provide the labor we need to work on our farms and ranches across America.

In my own State of Colorado, we have approximately 31,000 farms that encompass more than 31 million acres. According to the agribusiness statistics we have, they contribute over $16 billion to the State's economy. We need to make sure we have the labor that is necessary to work out in those fields so that we do not have the destruction we have seen in Colorado and California and in almost every State that is an agriculturally dependent State.

So one of the concerns I have, and I will take a further look at my colleague's amendment, 1189, but I do voice a preliminary concern, and I do wish to make sure that at the end of the day, when we have comprehensive immigration reform adopted here in this country, that the provisions of AgJOBS—we have had as many as 67 cosponsors on that legislation—that AgJOBS in fact does remain a part of this legislation. That is legislation which has been worked on for a very long time in a bipartisan fashion, led by Senator DIANNE FEINSTEIN as well as Senator LARRY CRAIG. It is a good piece of legislation that we need to deal with in order to make sure we have the labor requirements met for farmers and ranchers across America.

Mr. President, I know our colleague from Alabama is waiting to speak, and then in the wings I see waiting Senator MCCAIN.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to just take a moment, and I see my colleague, Senator MCCAIN, is here and prepared to speak, and I will be pleased to yield the floor and allow him an opportunity to speak.

One of the problems we have with this legislation is we have gotten out of sync about our normal process on how legislation becomes law, how it should become law, what should be a part of it, particularly when it is such a massively important, broad, comprehensive bill that purports to be moving through the Senate.

My colleague used a phrase that has been used frequently, that he was concerned about perhaps this amendment because it might affect an essential part of the agreement. Who made an agreement? I have not made an agreement. The American people haven't been in on an agreement. We have not gone through the normal process of moving an immigration bill through committee to the floor with hearings. We had some hearings last year and produced a quite different bill from the one that is on the floor today. This one was cooked up by a hard-working, good group of Senators who thought they could just speak for everybody—self-appointed, I suppose.

Let me display this chart. When this bill was announced, it was said: This is democracy in action. This is what you learn in ninth grade civics. This is good business. But how about our old buddy Mr. Bill who wants to become a law. You have heard him say it. Old Bill has a bunch of holes in him. He has a lot of loopholes in him. I am going to talk about that in a few minutes.

Senator SPECTER, former chairman of the Judiciary Committee, ranking Republican on the committee, part of this effort that worked hard to try to create a bill they thought would be effective, said the other day that in retrospect, it would have been better had it gone to committee. Old Bill, ask him how a bill becomes law. He says: It is an idea somewhere. Then it gets written up. Then it goes to the floor. Then it goes to committee. The committee has hearings on it and calls witnesses and considers all the details and ramifications and lets the American people know what occurred.

The way this bill purports to become law is a group of Senators got together. I affectionately call them ''masters of the universe.'' They got together and wrote up a historic piece of legislation that, if placed in normal bill language, would probably push 1,000 pages, probably the longest piece of legislation ever brought here. It was not sent to committee. It was filed at the desk, and the majority leader, Senator REID, called it up without any committee hearing. They had the old bill on the floor. They filed cloture this Monday on the old bill. Then Monday night, for the first time of record, they plopped down this historic and incredibly complex, long piece of legislation. It has a lot of problems with it. It should not become law. That is what this is all about.

Now we have gone a week, and we haven't had many amendments voted on. Thirteen is about all we have voted on by voice, unanimous consent, and roll call. Senator CORNYN, who has been engaged in this deeply and worked hard on it, former attorney general, Supreme Court Justice of Texas, offered some amendments this morning. They were objected to. I was told last night if I put up some amendments to the other side, they would evaluate them, and we would be able to call up one of those amendments this morning. In truth, both have been objected to. I am not able to offer a new amendment this morning. So the first week is gone. In fact, Senator HARRY REID, our esteemed Democratic leader, a person I like and enjoy working with, wanted to complete the bill this week and had it set up to try to complete the bill this week. There was so much push back and objection, he said: We will carry it over for another week.

I don't believe 1 more week is nearly enough for this legislation, frankly. We need to spend a lot more time on it. I can feel the train moving. There is a method in the way the majority is handling amendments; that is, you can

only bring up one amendment at a time. It has to be approved by the other side before you can call it up. If you can't call it up, it ceases to be an amendment that can be voted on postcloture, even if it is germane. So the result is, we could proceed with this process in a way that does not allow it to be improved in a significant way.

I am worried about my friend, Mr. Bill. I don't believe his teachers back there in the civics class would be pleased with how he has been bumped around. They would not be pleased that he had not gone through the normal process. I will point out some of the loopholes in poor, old Mr. Bill, as we go along today. Those loopholes will indicate this bill should not be passed in its present form.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank my friend, the Senator from Alabama, because I know he has a great deal more to say about the pending legislation this morning. I appreciate his allowing me a few minutes to discuss my view. I thank him for his courtesy.

I thank my friend from Colorado, Senator SALAZAR, for his leadership, for his involvement and his integrity. What a great honor it has been for me to work with him on this and a number of other issues over several years. I thank him.

Immigration reform is long overdue. I am proud to support this historic overhaul of our immigration system. This bill represents weeks, months and, in some cases, years of work by the proponents of this bill. The President has shown tremendous leadership on this issue and has dedicated countless hours to the process. While I may not be in agreement—and most of us are not in agreement—with each and every provision of the bill, it offers a good starting point for debate and a good framework. The proponents of this bill have come together to try to fix one of the most serious issues facing our country. We have put partisan politics aside in order to forge a consensual proposal to allow us to start a full floor debate on immigration reform. Others need to do the same.

Those of us from border States witness every day the impact illegal immigration is having on our friends and neighbors, our county and city services, our economy, and our environment. We deal with the degradation of our lands and the demands imposed on our hospitals and other public resources. However, I have learned over the last several years this is not only a border State problem; this is a national problem. It affects the dairy farmers in Vermont and the cattlemen in Colorado. It also affects the poultry processors in Georgia, the construction worker in Nevada, and the housewife in Maine. Our current system doesn't protect us from people who want to harm us. It doesn't meet the needs of our economy, and it leaves too many people vulnerable to exploitation and abuse.

Throughout this debate, we will be reminded that immigration is a national security issue, and it is. It is also a matter of life and death. We have hundreds of people trying to cross our borders every day, an estimated 12 million people living in the shadows of our country. While we believe the majority are hard-working people contributing to our economy and society, we can also assume there are some people who want to do us harm hiding among the millions who have come here only in search of better lives for themselves and their families. We need new policies that will allow us to concentrate our resources on finding those who have come here for purposes more dangerous than finding a job.

Last year the Senate passed a comprehensive immigration bill, but it never even got to conference. This year we realized we had to take a different approach if we wanted to enact real reforms. New ideas and concepts were incorporated into the bill that helped to enhance the comprehensive nature of the bill and ensure the strongest tools were in place to enforce our laws and secure our border. First and foremost among our priorities was to ensure this bill included strong border security and enforcement provisions. We need to ensure that the Department of Homeland Security has the resources it needs to secure our borders to the greatest extent possible. These include manpower, vehicles, and detention facilities for those apprehended. But we also need to take a 21st century approach to this 21st century problem. We need to create virtual barriers as well through the use of unmanned aerial systems, ground sensors, cameras, vehicle barriers, advanced communications systems, and the most up-to-date security technologies available.

This legislation mandates that before we can move forward with a program to address the undocumented workers currently in the United States or future workers wishing to enter, we must meet certain enforcement and security benchmarks that will let everyone know we are enforcing our laws and that we are not going to repeat the 1986 amnesty. These triggers include the hiring of 20,000 Border Patrol agents, the construction of 300 miles of vehicle barriers and 370 miles of fencing, the establishment of 105 ground-based radar and camera towers along the southern border, and the deployment of 4 unmanned aerial vehicles and supporting systems. It also includes the end of catch and release, the ability to detain up to 31,500 aliens per day on an annual basis, the use of secure and effective identification tools to prevent unauthorized workers, and the receiving, processing, and adjudication of applications for the undocumented workers applying for legal status.

Every one of these items must be in place and fully funded before a single temporary worker enters our country or a single undocumented immigrant receives a permanent legal status in the United States. I believe these requirements are a substantial improvement over previous measures. Not only will this legislation finally accomplish the extraordinary goal of securing our borders, it will also greatly improve interior enforcement and put employers on notice that the practice of hiring illegal workers simply will not be tolerated. Business as usual is no longer acceptable, and neither is a de facto amnesty. This legislation would put in place an effective and practical employment verification system to replace the outdated I–9 system that all employers use. In the 21st century, it is unacceptable that employers are still recording important employment eligibility information with a pen and pad. We need real-time answers that will tell employers if the person sitting in front of them is not only eligible to work here but the person they actually claim to be. Employers will no longer be put in a position of judging documents presented to them at face value.

The employment verification system in this bill will allow employers to electronically verify identity and work eligibility through both DHS and the Social Security Administration, while also protecting the personal information of all U.S. workers. If we cannot adequately enforce our immigration laws at the worksite, employers will be able to continue to employ undocumented workers. That is not a scenario we will allow under this legislation.

We need the ability to have additional legal workers in this country. There are certain jobs Americans are simply not willing to do. For example, today in California, fruit is rotting on the vine and lettuce is dying in the fields, because farmers can't find workers to harvest their crops. At the same time resorts in my own State of Arizona can't open to capacity, because there aren't enough workers to clean the rooms. Restaurants are locking their doors because there is no one to serve the food or clear the dishes. We are facing a situation whereby the U.S. population does not provide the workers that businesses desperately need. Yet the demand for their services and product continues.

At the same time we have seen, time and time again under the current law, that as long as jobs are available in this country for people who live in poverty and hopelessness in other countries, those people will risk their lives to cross our borders. Our reforms need to reflect that reality and help us separate economic immigrants from security risks. This legislation does just that.

The most effective border protection tool we have is establishing a legal channel for workers to enter the United States after they have passed background checks and have secured employment. We need to establish a temporary worker program that permits workers from other countries to

come here and find work and employment and to make sure those people are here on a legal basis.

Recently, David Brooks wrote in his column:

The United States is the Harvard of the world. Millions long to get in. Yet has this country set up an admissions system that encourages hard work, responsibility and competition? No. Under our current immigration system, most people get into the U.S. through criminality, nepotism or luck. The current system does almost nothing to encourage good behavior or maximize the nation's supply of human capital.

Let's look at how this bill would improve incentives almost every step of the way.

First, consider the 10 to 12 million illegal immigrants who are already here. They now have an incentive to think only in the short term. They have little reason to invest for the future because their presence here could be taken away.

This bill would encourage them to think in the long term. To stay, they would have to embark on a long, 13-year process. They'd have to obey the law, learn English and save money (to pay the stiff fines). Suddenly, these people would be lifted from an underclass environment—semi-separate from mainstream society—and shifted into a middle-class environment, enmeshed within the normal rules and laws that the rest of us live by. This would be the biggest values-shift since welfare reform.

Second, consider the millions living abroad who dream of coming to the United States. Currently, they have an incentive to find someone who can smuggle them in, and if they get caught, they have an incentive to try and try again.

The Senate bill reduces that incentive for lawlessness. If you think it is light on enforcement, read the thing. It would not only beef up enforcement on the border, but would also create an electronic worker registry. People who overstay their welcome could forfeit their chance of being regularized forever.

I would remind my colleagues the six people arrested who wanted to attack Fort Dix, NJ, and to kill Americans—three of them came across our southern border illegally; three of them came on valid visas and overstayed them.

Moreover, aspiring immigrants would learn, from an early age, what sort of person the United States is looking for. In a break from the current system, this bill awards visas on a merit-based points system that rewards education, and English proficiency, agricultural work experience, home ownership and other traits. Potential immigrants would understand that the United States is looking for people who can be self-sufficient from the start, and they'd mold themselves to demonstrate that ability.

In essence, we are rewarding people for working hard and showing potential. These are not all high-skilled workers, but they are the kind of workers and people we should want to become citizens of our country. By combining family ties with economic realities, we can build a stronger immigration system that will help to build a stronger, more competitive economy and Nation.

In addition to future immigrant and nonimmigrant workers, we have to address the fact that 12 million people are living in the United States illegally, most of them employed—all of them contributing to our country. Our economy has come to depend on people whose existence in our country is furtive, whose whereabouts and activities in many cases are unknown. I have listened to and understand the concerns of those who simply advocate sealing our borders and making life so terrible for people here that they will self-deport. But that is easier said than done.

I fundamentally believe our Judeo-Christian society would not tolerate this type of treatment of people within our own country, whether here legally or not. We need to come up with a humane, moral way to deal with those people who are here, most of whom are not going anywhere. No matter how much we improve border security, no matter the penalties we impose on their employers, no matter how seriously they are threatened with punishment, we will not find most of them, and we will not find most of their employers.

The opponents of our proposal to address undocumented workers in this country decry as amnesty our proposal to bring them out from their shadows and into compliance with our laws. No, it is not. Amnesty is, as I observe, for all practical purposes, what exists today. We can pretend otherwise, but that does not make it so. Amnesty is simply declaring people who entered the country illegally citizens of the United States and imposing no other requirements on them. That is not what we do in this legislation.

Under the provisions of this legislation, undocumented workers will have incentives to declare their existence and comply with our laws. They may apply for a worker visa. They would be subjected to background checks. They must pay substantial fines and fees, totaling approximately $7,000, learn English, enroll in civic education, remain employed and, if they choose to get a green card, go to the end of the line behind those who waited legally outside of the country to come in.

I believe most undocumented workers will accept these requirements in order to escape the fear, uncertainty, and vulnerability to exploitation they currently endure. While those who have come here to do us harm will not come out of hiding to accept those conditions, we will at least be spared the Herculean task of finding and sorting through millions of people who came here simply to earn a living.

We are aware of the burdens illegal immigrants impose on our cities and counties and States. Those burdens which are a Federal responsibility must be addressed. We need also to face honestly the moral consequences of our current failed immigration system.

I am hopeful at the end of this debate we can show the American people that we addressed a serious and urgent problem with sound judgment, honesty, common sense, and compassion. I hope we can show that we reached across the aisle to try to solve a serious problem in a serious way.

It seems almost trite at this point to once again state that our Nation's immigration system is broken and in bad need of repair. But without comprehensive immigration reform, it is a fact that our Nation's security will remain vulnerable. We must act immediately or face the consequences of another summer of people dying in our deserts, businesses shutting their doors because they do not have the manpower to stay open, and criminals hiding in the shadows of our society mixed in with hard-working people who are the backbone of our economy.

The Senate must have the courage and will to solve this crisis facing our Nation. The American people are demanding action. I say the time is overdue, and we are failing the citizens of the United States if we do not pass this important piece of legislation and ultimately achieve its enactment and implementation. If we do fail, what then?

Mr. President, I thank my colleagues, and I thank my friend from Colorado.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my friend from Arizona, Senator MCCAIN, for his comments and for his support of this legislation. I also want to say that Senator MCCAIN has always spoken to the highest moral values of this Nation. His history in terms of his contributions to this country are unequaled. His involvement in trying to deal with this issue, including addressing it from a moral perspective, is something I will always admire.

I remember well, I say to Senator MCCAIN, when I went to your office, probably 2 years ago, as a freshman Senator. When I was sitting in your office, you pulled out a copy of the Arizona Republic, and I think the headline was: ''300 People Died in the Desert.'' The Senator spoke about the moral basis for us to move forward with comprehensive immigration reform.

The Senator certainly has been a leader in that effort. I thank him for that. I thank him for his integrity, and I thank him for all his contributions to this country.

Mr. President, I yield the floor, and I see my friend from Alabama is in the Chamber

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the failed immigration policies we have now are in need of reform, in need of comprehensive reform. I said that last year. Some of my colleagues said borders first; and I had sympathy with that and it actually would probably have been a healthy process if we started a year or two ago and established border security and gained the respect and confidence of the American people. We could then have been bringing forward a comprehensive immigration bill with more credibility than we have today.

There is a lot of debate going on, and a lot of posturing going on. You see

things, such as my good friend, the Secretary of Homeland Security, Mike Chertoff who is doing a great job—he frames the issue this way: It is a choice between Republican conservatives who want to block the bill by insisting on mass deportations or insisting on deportations that are just not going to happen.

Well, I am not aware of anybody on our side of the aisle calling for mass deportations. That is not so. That is a false setup. That is a triangulation, if you will, good friend, Mr. Chertoff, former U.S. attorney. We served together in the Department of Justice. He is one of the best members of the Cabinet. I do not appreciate it, Mike. You tell me who on this side said we want to have a mass deportation—zero. That is not the question.

The question is whether we will have a decent bill that will actually work. I know you have made recommendations that are critical, Mr. Chertoff, to the passage of the bill that were not included in it. In fact, I have to give him credit. He did criticize the liberal immigration rights advocates by suggesting they will prolong the anguish by holding off the bill also. But I do not think that is the right issue here.

All of us want a compassionate, legitimate piece of legislation that can work and will serve our long-term interests and will be consistent with the principles that are set forth by the people who worked on the legislation. But I am not given confidence. I will repeat again: I am not feeling confident at all there will be a legitimate, full, vigorous debate and a lot of amendments that go to some of the weaknesses in the legislation. I am afraid they are not going to be considered.

I say that because I see the tactics moving along. We have gone a week with only three, four votes. That is not enough time on a bill of this size and complexity. I think we had 40 or 50 votes on the bankruptcy bill. It was nothing more than an updating of bankruptcy law. It went on for weeks and months. It came through the Senate three or four times actually before it finally became law.

There were other bills that had far more extensive debate and discussion than this one. But none of those bills come close to having the impact on America or come close to having the attention of the American people to the degree this issue does.

The reason the American people are angry and upset is simple. They are not angry, they are not upset with immigrants. That is not what I read people to be saying. What I think they are angry and upset with is Congress and the President for absolutely refusing to listen to their natural and proper concerns about immigration. What I am hearing is they do not want to be taken to the cleaners once again.

They do not want to be victims of a bait and switch in which we promise we are going to create a system that will work for lawful immigration, that will allow us to have an immigration policy that serves the national interest, that allows millions of people to come to our country in immigration status—but it would be a number we can have jobs for, without pulling down the wages of hard-working American workers. It would bring in numbers sufficient to make sure we do not cause problems in schools and other areas that we cannot quite handle.

The number ought to be correct, and that they ought to be, insofar as possible, persons who are going to flourish in our economy, people who have the skills, language, and education levels that indicate they will likely be very successful here, like Canada does. That is what they do. We have a touch of that in this bill—far better than last year, I have to say—but I have been so disappointed to read the fine print and to see that movement to follow the philosophy that Canada does has not nearly been strong enough. It is discouraging to see it has not been.

So the individuals who thought they would meet and reach an agreement and plop it on the floor of the Senate—for which all the rest of us folks would just dutifully comply with and ratify and say: Thank you, my elite colleagues. We are glad you have worked out this immigration problem. Thank you so much. We know something had to be done—and it does have to be done—we are just overjoyed you got Senator KENNEDY and Senator KYL and everybody has agreed, and we are going to plop this bill down, and you guys will just ratify it. You can have a lot of little amendments if you want to, but, remember, if anything touches the core principles we have decided on, why, that would be something we just couldn't accept, and every one of us is going to stick together, and we are going to vote against it, even if we might agree with your amendment. We had to compromise that to get this agreement. Yes, Jeff, we like that amendment. I know you like that amendment. I really think you are right on that amendment, but I cannot vote with you because I have agreed with this group over here in this secret session which the public was not involved in. We made a commitment to one another, and we are going to stick together and vote you down.

Now, this is not the way old Bill was taught law was supposed to occur in America. It is unbelievable that you would have a piece of legislation of this historic nature not even go to committee and that this group just met. How quick did we have it? Oh, well, we were going to have the bill last Thursday so people could read it, and then it was going to be Friday. We promise we will have the bill Friday. Then it turned out to be Saturday morning, at 2 a.m., they emailed it and tried to say they put it out Friday. It was Saturday, at best, when the bill was out. They claim it is 300 and some pages. I believe this is it. They say it is 300 pages or whatever the number of pages it is in this stack of bills, but they didn't print it in the normal language. I have never seen a piece of legislation of any size go through here and not be in bill language. This is fine print. If you put this bill in bill language, it would probably be 1,000 pages. A good immigration bill needs to be 1,000 pages. There are thousands of issues involved that need to be clarified, hundreds and hundreds of complex situations that, if not properly addressed, will never work if we don't do it right.

That is all I would say to my colleagues and friends. I love you. I appreciate all your efforts to try to solve the American people's problems. I know you didn't want to bother with them while you met and had your discussions, except I guess the Chamber of Commerce and this special interest group and that special interest group and maybe some pollsters telling this and that; I don't know how that came out. But I don't appreciate the fact that we are not being able to have a full debate on it, and we are not going to be able to have very many amendments. We could probably, without—well, you say: You are trying to file amendments to delay. You want to slow down the process. Well, as Senator SPECTER said, in retrospect, we would have done better had the bill gone through committee, the Judiciary Committee. At least they did last year. It was rammed through the committee last year because I saw it when I was on the committee. This is what happened last year: They waited until the last minute. Senator Frist, the majority leader, says we are going to bring an immigration bill up next Monday. On the Judiciary Committee, we are working hard. We go to the Judiciary Committee, and Senator SPECTER has a bill that had some possibilities. It had problems, but it had some attractiveness to it. It wasn't long before Senator KENNEDY dropped his bill and substituted and the Specter bill was gone. We had an entirely new bill. Then they dropped an AgJOBS thing on top of that. Then they dropped the DREAM Act, which gives instate tuition to illegal aliens and things of that nature that all got dropped on, passed, pop, pop, pop.

Senator Frist says: Well, if you don't have the bill on the floor by Monday night, I am going to go with an enforcement only bill. So we rush and rush around there and they put the bill down on Monday night and here we go. Senator REID says we don't want any amendments. Senator CORNYN and Senator KYL had some amendments. They got their backs up and began to push back and people said: What are we going to do with a bill without any amendments? So finally, Senator Frist pulled the bill. He said: We are not going to bring it back up until the Democratic leaders agree we are going to have some amendments. It came back up for a couple of weeks of debate and cleared this body, knowing the House of Representatives had no intention whatsoever of ever considering it.

It was sort of a gesture because it was not an effective piece of legislation.

This year's bill is better than last year's, although I have been disappointed to see that it has backed up on some issues of significance. I still would say the framework of this year's bill is a good bit better than last year's. Last year's bill should never, ever have become law. It was fatally flawed.

So what were the principles that the promoters of this legislation said should be occurring here? They said we need a lawful system, that we wouldn't have amnesty and that there would be a trigger, which was rejected last year, a trigger and a number of other things they cited as key component principles of a good immigration bill. All right. I agree with that. Many of those principles were sound. But as we read the fine print, our concern is—my fine staff, they have worked hard, including weekends. They get the bill at 2 a.m. Saturday morning. They work Saturday nights and Sunday nights and here we are on the floor of the Senate. The thing does not even get introduced until Monday night, and nobody has had a chance to read it until then. So it is a big problem.

My fundamental concern then is that the bill does not live up to the stated principles that it contains. So what we need in reform are a number of things. We need to recognize—unless anyone misinterprets this—we need to recognize we are indeed a Nation of immigrants. We are. Some people don't believe that, but I don't believe there is a Member of Congress who doesn't understand that. We want and will have a continuing flow of new people into our country, and it enriches us and has proven to be one of our strengths as a Nation. I think we need to restate that again and again and that immigration will continue in the future and that we are going to treat compassionately, even generously, people who have broken our laws and come into our country illegally. But we must do it in a way that minimizes the damage that will be done to our legal system and our ability to enforce the law in the future.

My colleagues have been involved in law enforcement and you get busy and you start giving people immunity for this and that crime repeatedly and people begin to believe you are never going to enforce it. At some point in the future, you get to the point where you would not be able to enforce it. On the floor, I think maybe yesterday, Senator GRASSLEY from Iowa, who is such a great Senator, such a direct speaker, asked this question. He said he was here in 1986 when they promised no amnesty. He is very concerned because it didn't work and he felt responsibility for that. He was not going to be a part of new immigration legislation that doesn't work such as the 1986 legislation. He said: In 1986, they said we are not ever going to have amnesty again, and he asked this question: Have you heard any of the promoters of this legislation say we will not have amnesty again? He said: You are not going to hear them say that. That is one thing you would not hear because after—because if we give amnesty again, what good is it to even say we are not going to do it? Because what principle, what basis on which to stand will we have 10, 12, 15 years from now when several million other people are in our country legally and someone says they are here illegally, why don't we enforce the law and ask them to go home. Oh, well, you gave amnesty before. You gave amnesty in 2007, you gave amnesty in 1986. How can you enforce the law now?

So to not understand as a matter of law and principle that once again, taking the easy amnesty step will make it almost impossible in the future for us ever to enforce the law is a mistake.

I read the debate in 1986—a lot of it. It went just like that. People said: One-time amnesty. We have to do this. Own-time amnesty. The others said: Well, we are not sure about this. We think if you have an amnesty and you wipe out the laws that we had here and the violations that have occurred, you are liable to increase the threat in the future that more people will break into our country illegally on the expectations that they, too, after a period of time, will be allowed to stay legally. If you read that debate, you will see whose predictions were correct. I have to say that. I have to say that.

So I think the Z visa program that allows people who come here illegally to stay here illegally, to come out of the shadows with some sort of status, but not, I would suggest, as it is now written giving them a guaranteed path to receiving every single benefit that accrues to people who come legally, I don't think we should do that. That is my principle. If you didn't follow the rules, somehow, it ought to be clear that you will never get every single benefit of citizenship and participation in America than if you waited in line. If you give up on that principle, we have a problem. So I think if we had the courage and the firmness and the strength in this Senate and would listen to the American people, we would say the principles of 1986 are going to be affirmed. OK. We will figure out a way you can stay, your children can be citizens, you can have all the protections of the laws of our country but not every benefit of citizenship, and we will never, ever again do that. If we give away that position, I think we have a problem.

So what I would like to talk about is some of the loopholes in this bill. I talked about the loopholes last year in the bill and there were quite a number of them. This is not an exhaustive list. You heard Senator ALLARD earlier this morning make comments about the weaknesses in the legislation, and you heard Senator CORNYN point out some weaknesses in the legislation. I have identified 15. We certainly would not be able to talk about all those this morning that I wish to talk about, but there are many more. It is troubling that we might not be able to have an opportunity to fully amend the bill to fix these loopholes.

Our old buddy, Bill, the ideal way that laws should be written in America, well, he has been forgotten in this process. I will tell you what could happen in the House of Representatives. I don't think they are having any serious hearings over there. This bill could hit the House of Representatives if it came out of the Senate—and it may well come out of this body—it could hit the House of Representatives. They could call it up. They don't have unlimited debate. They don't have a very strong ability to cut off debate. They could vote the bill out. It could go to conference. The conferees will be chosen and controlled by Senator REID, the Democratic leader, and the Speaker of the House, NANCY PELOSI, and they will appoint the people they want to fix any differences in the bill, and they can make virtually any changes they want to. Then the bill is on the floor, and it is either up or down, and it might pass. As one Member of the House said about whether President Bush would sign it, he said President Bush would sign a pork chop if it had immigration reform on it. We have to be careful what we do and what is in this bill.

It can affect what is actually going to become law. There is no passing this off to the House of Representatives, like last year, as if that was going to fix many of the problems that were in the legislation. The House is liable to make it worse. Well, you have heard one of the principles in the bill.

I am glad to hear Senator MCCAIN say there was a trigger in the legislation. He resisted a trigger last year. We had quite a debate on it. Those opposing it last year said you cannot have a trigger because all of us who met and wrote the bill don't want a trigger; you will upset our compromise. I asked then—and I ask today—who was in this compromise? Did you have public hearings? Were people allowed to do what you were discussing? Did La Raza get to put in their opinion? Did the U.S. Chamber of Commerce get to put in their opinion? Who all got to put in their opinion? They didn't ask my opinion—well, that is not totally so; I did talk to a couple of them, whom I expressed some opinions to. Fundamentally, that is just not an open process. Sometimes you can do something like that as a tough nut to be cracked, and people have to make a decision. But this is too big, too broad, too much policy. The American people are too concerned about it, and it is too important to be settled that way.

Let me tell you what the trigger was about. I offered in the Judiciary Committee last year—because it dawned on me that in Judiciary Committee, I offered an amendment to say: Let's add border patrol, and they accepted it. I

offered an amendment that showed how we don't have enough bed spaces to end catch and release, saying you had to have more. They accepted that. I offered amendment after amendment, and they accepted them. I thought, why is this? So I offered amendments to change the policy to make the law actually enforceable, and they got voted down.

Why would that be so easy? Because the brain trust that was proposing that bill last year knew the history of 1986; they knew how Congress worked, and they knew they never had any intention of funding all the Border Patrol agents and the fencing and the prison beds. We could pass an authorization bill to build prisons, and they are never going to get built, I am telling you. I will show you examples. It means nothing.

So I offered a trigger. It finally dawned on me what this was about, how the game was going to be played out. I offered an amendment that said: You don't get any of this amnesty until the Secretary of Homeland Security certifies that he has operational control over our lawless border. They voted that down.

So Senator ISAKSON, from Georgia, picked that up and wrote it in even more detail when the bill came to the floor and offered the amendment. We had quite a debate over this because it was important—the trigger was important. The cabal who put all of it together said: We cannot do that because it would upset our delicate compromise in the groups that participated in writing this bill—not the American people—and they would oppose it. They voted it down. It was a fairly close vote, but they voted down the trigger because they really didn't want that trigger because they never intended to do the things that were in the bill. The trigger would have said: You have to build a fence, you have to build the prison beds, and you have to hire the people. If you don't do those things—and actually do them—the other stuff doesn't become law, the amnesty. That was the debate last year.

This year, they say: We got the message, we are going to have a trigger. Well, good. I was happy about that. That sounded good. This is one of our principles. This time, we are not going to mislead the American people. We are really going to do what we promised and have a trigger, and you can relax, SESSIONS, because we are not going to fool you this time. It is not going to be like 1986.

But the problem is that the trigger doesn't get us there. I just have to tell you that. The trigger only applies to the guestworker program and taking illegal aliens off the probationary Z visa, and all other programs in the bill will begin immediately. So if the trigger is never met—if the trigger that is supposed to be met is never met, these requirements we put in there to ensure that we were going to follow through with enforcement, if they are never met, the probationary status in the amnesty group never expires.

After the bill passes, Homeland Security has 180 days to begin accepting Z visa applications. They would accept them for 1 year and can extend the application filing for another year. When the trigger is met, if it ever is, Homeland Security will start approving the applications they have been processing and adjudicating. What happens if the trigger is never met? Will the probationary amnesty end or expire? Those are pretty good questions. If the trigger is never met, I can answer it for you: The Z visa probationary status never ends in the bill.

It is explained on page 291, line 17:

> Probationary authorization document does not expire until ''6 months after the date on which the Secretary begins to approve applications for Z visas.''

So if the trigger is never met, if the Department of Homeland Security never starts approving the applications and the 6-month clock never starts ticking, therefore, the probationary authorization document never expires.

My staff asked about this in one of the briefings by the group promoting the bill. The staffers asked: Does the Z visa probationary card ever expire? The answer was: Well, because the triggers are going to get met sometime, in fact, it is not going to expire.

So, in addition, we need to remember that there is no guarantee that the additional enforcement items—I talked about that earlier—in title I and title II of this legislation that purport to be effective in enforcing the law—there are dozens of things there that are not listed in the trigger. The question is, Will they ever be funded?

You should be aware, sophisticated Americans and Members of the Senate, that there is no obligation or requirement whatsoever that these things ever get funded in the future. The bill itself acknowledges that in many different places.

So with regard to some of the things in the bill that are supposed to make enforcement better and make the system work better, they use this phrase—they say, ''subject to the availability of appropriations.''

That phrase is used 18 times in the bill. What does that mean? It means we are going to increase our prison beds, increase border patrol, and do all these things which are in our law, and we are going to enforce the law subject to the availability of appropriations. Well, somebody probably wants a bridge in their home State or a highway or a university grant in their home district—more money for this or that, good programs or bad programs, but that is how these things get lost out in the competition for spending. They don't get done. They acknowledge that.

The phrase ''authorized to be appropriated'' is used 20 times. So they are saying we are authorizing to be appropriated money to do this, that, and the other. They are going to make this bill good. So our masters of the universe come out and say: Don't worry, American people, I know you think we are not going to enforce the law, but we have new Border Patrol officers and prison spaces and fencing, and they add the phrase. But all it really says in the legislation is that it is authorized to be appropriated. There is no way they can guarantee that Congress next year is going to appropriate the money for what they put in the bill.

All of that was key to the trigger effect. I have to tell you that, in my view, the trigger is not nearly strong enough. It has been undermined, and virtually everything in the trigger has already been completed or is soon to be completed. It doesn't have some of the new things that have been promised here in the trigger.

Loophole No. 2. This is very important. The enforcement trigger does not require that the U.S. visa exit portion of US–VISIT—the biometric border check system that records that you have come into the country—will be implemented. It was required by Congress in 1996. Over 10 years ago, we required that the US–VISIT exit system be in place; that is, if you have a visa to the United States for 6 months or 30 days or a year, you come in and present your card, it goes into the computer system, like at the bank or like your timeclock where you work, it clocks you in, and then it clocks you out. If you don't exit when you are supposed to, red flags can go up that you didn't exit when you were supposed to. You are an ''overstay.'' It is an absolutely critical step in creating a lawful immigration system that will work. It was required to be completed in 2005. Here we are in 2007, and it is not completed. Did we promise to complete it as part of the trigger? No, no, no. There would be no way to ascertain whether people exit when they are supposed to.

Under the bill, it says a certain number of people come seasonably, or certain people for 2 years, and sometimes family members can come for 30 days, and sometimes family members can come for 2 years—those kinds of things. Who is going to find out if they didn't go home when they were supposed to? Over a third of the people in our country illegally came legally but overstayed their visa, and many have no intention of returning to their home country whatsoever. We don't even know they didn't return because we have no way to clock out when they left. We have no idea who left when they were supposed to leave.

This is why I say the legislation before us was designed to fail. I am not sure the Members all designed it to fail, but the effort, when it came down to it, when confronted with things which would actually work and which are critical to the success of an effective border system, they weren't in there, and that sends you a signal on what is really there.

In 1996, we required, as I said, this US–VISIT system to have an exit component by 2005, and it is still not complete. Do you think that in 1996, Members of the Congress and Members of the Senate went out and told their constituents that we are working on immigration; we passed a bill that will have an exit system in 10 years or 9 years, and that will help us enforce the law, and I am so proud we passed that? What good is it to pass it if it never happens? It hasn't happened yet, and it is not required through the trigger, which is the only thing that can require it to work.

According to the Pew Hispanic Center's 2006 report entitled ''Modes of Entry for Unauthorized Migrant Population'':

> 4 to 5.5 million of the current illegal alien population ''entered legally'' and are nonimmigrant visa overstayers.

Despite what we know about the overstay rates, the US–VISIT exit system is not made part of the trigger. That is a very big loophole.

I don't think we are serious if we don't have an exit system. One might say it is hard to do. We have had 10 years. I will say one thing, if President Bush wanted the exit system to be in place, he would have it in place. If Congress wanted it in place, we would have it in place.

A separate section of the bill does require the Department of Homeland Security to submit to Congress a schedule for developing an exit component. That is not good enough.

Loophole No. 3, one of these little spots in poor old Bill who got shot up because he didn't go to committee like he was supposed to learn in civics class. He is supposed to go to committee. Maybe some loopholes would have been closed if we had an opportunity to talk about it publicly before the whole world.

Loophole No. 3: The bill does not require the Department of Homeland Security to have enough bed space to actually end catch and release at the border and in the interior. It only requires Homeland Security to maintain its current level of bed space and establishes a ''catch, pay, and release'' program that benefits illegal aliens from countries other than Mexico who are caught at the border and who can post a $5,000 bond.

A $5,000 bond is not hard to post if you know how the system works and you are prepared. It can be done any number of ways. But let's say an individual has a cousin or uncle or someone in the United States and they come into the country and are apprehended, and they came from Europe or Brazil or someplace other than Mexico. All you have to do is post a bond and then you are released pending some hearing on deportation.

We have had this problem for a number of years. Secretary Chertoff has made some progress in ending it, and I give him credit for that. There was an article in a newspaper that showed that people other than Mexicans—you see, it is not easy to deport them. It is easy to take a person back to Mexico, but how do you take a person back to Chile, Brazil, Indonesia, or Belarus? It takes some effort to do this. So they were releasing everyone on bail because they didn't have any bed space, and asking them to show up at some given time so they could deport them. If a person is willing to break into the country in violation of the laws, how many of those people are going to show up after they have been apprehended to be flown out of the country? No, not zero; 95 percent don't show up. That is what the number is. In fact, some of the rules smugglers told their people to follow is if you see an immigration officer, turn yourself in because they will take you further inland, they will process you, and let you out on bail, and you never have to come back, which is exactly what 95 percent are doing. It is a mockery of the law and, in some areas, we have made progress, but that is not a part of the trigger.

What about the bed space? You have to have a certain amount of bed space or you can't hold people. Over the past 2 years, the Senate appropriated money for 9,000 new beds, bringing us to a total of 27,500 beds. This is the current funding level, 27,500 beds. We have already funded that amount. Nothing new was added to the requirements of the trigger until the Gregg amendment was adopted earlier this week. Now the trigger requires Homeland Security to reach a detention bed space of 31,500 beds, 4,000 more.

The 27,500 beds, however, are far less than the 43,000 detention beds required under current law to be in place and constructed by the end of this year.

OK, cynics out there, does that provide fuel to your fire? How about that? Does that breach cynicism? We require in the Intelligence Reform and Terrorism Prevention Act of 2004 that this country have 43,000 beds by the end of this year, but when this bill came up, they only had in the trigger portion, the thing that would guarantee we reach that level, 27,500 beds. Senator GREGG raised the number to 31,500, but in 2004, when Senators went out and bragged that they raised our number to 43,000 detention beds, that was supposed to be met, and we have no intention of meeting it, I submit. Because it is in bill language doesn't mean it will ever happen.

This month, a Federal lawyer who used to be with the Bureau of Prisons, Joseph Summerill, wrote an op-ed piece—he used to be with the Bureau of Prisons, so he knows this issue. As a lawyer, he was a counsel for the Bureau of Prisons, and he now practices with the firm of Greenberg Traurig.

He says the following:

> . . . the demand for deportation and removal operation detention space has grown much faster than available bed space has. . . .

He goes on:

> Despite the fact that high-risk/high-priority immigrants include immigrants who are associated with criminal investigations, have committed fraud, or are likely to abscond, these immigrants are often released because of the lack of detention bed space. . . .
>
> The lack of detention bed space has resulted in creating a de facto amnesty program for illegal immigrants who are subject to removal, particularly those immigrants from countries ''other than Mexico.''

From 2002 to 2004, he explains:

> DRO—

That is the detention and removal operation

> DRO personnel levels grew by only 3 percent and the funding of bed space decreased by 6 percent. According to the inspector general, declining funds, the shortage of DRO personnel, and decreased bed space led to a 38 percent increase of illegal immigrants released by the DRO.

We are supposed to be fixing this catch-and-release program. I thought we were. Here this former lawyer with the Bureau of Prisons said we had a 38-percent increase in illegal immigrants being released. He concludes:

> DRO has faced annual mandates by Congress, the President, and the American people to increase the number of illegal immigrants who are detained. Unfortunately, Federal funding has not kept pace with these mandates. . . .

So it is clear we need a lot more beds, and 31,500 beds, as we approved in an amendment the other day, is better than 27,500, but it is not enough.

So why are the American people cynical? We passed a law in 2004 requiring 43,000 beds by the end of this year. We are at 27,500. It is not likely to ever happen, and that is why they did not put it in the trigger because if they did, those bed spaces would have to be completed.

Mr. President, I see my distinguished colleague Senator BOND from Missouri in the Chamber. He is a most capable Senator. I appreciate his leadership. I have a number of loopholes I could talk about and will talk about in the days to come.

I am raising these issues to say I can't vote for a bill that is likely to clear the House of Representatives and be signed by the President with loophole after loophole after loophole. I cannot go to my constituents and say I am pleased we have now passed legislation that will actually work to create a lawful system, that will treat compassionately the people who are here, will create a flow in the future based on merit and competition, and will do a lot of other things we want done, the sponsors of this bill are saying they want done, and asking us to vote for this bill because they say it will accomplish that.

My disagreement is not with their principles and their stated goals, but my disagreement is the language in the legislation is dramatically ineffective to accomplish that.

I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleagues for allowing me to speak

briefly. I have proposed an amendment which I believe is very important to this bill to cut the automatic path to citizenship. It is filed at the desk, and I will call it up later.

Citizenship is the most sacred gift Americans can provide. It should not serve as a reward to those who broke the law to enter or remain in this country. The path to citizenship is at the heart of the amnesty criticism of this bill. Cutting this path cuts out the most severe complaint about this bill.

I supported the Vitter amendment yesterday to strike the entire program proposed to deal with 12 million illegal aliens in the country. Unfortunately, that amendment was rejected. So today I propose a much more targeted, focused amendment to strike the controversial aspect of the proposal to give the award of citizenship to those 12 million illegal aliens.

Whatever we end up doing with those 12 million illegal aliens, it does not require the further step of giving them a path to citizenship ahead of others. Those 12 million illegal aliens came to this country to work without the expectation of becoming citizens. More illegal aliens will come to this country on a temporary basis to work without expectation of citizenship. There is no need to grant these people the gift of citizenship.

Specifically, my amendment will strike the contents of section 602 on earned adjustment of Z status aliens, replacing it with a prohibition on issuing an immigrant visa to Z nonimmigrants which is currently in the bill and a prohibition of adjusting a Z nonimmigrant to legalize permanent resident or so-called green card holder.

In this way, the path to citizenship is cut off. I urge the Senate to call up and adopt this amendment. I believe it will enable other goals in the bill to be accomplished without giving the amnesty path to citizenship.

I yield the floor and I thank my colleagues.

Mr. SESSIONS. Mr. President, I wish to make one correction. I think I said we had four or five votes, or three or four votes, or something of that nature. My staff tells me we have had seven votes this week. I think that is better than four, but that would indicate that in 2 weeks we will have had about 14 votes. That is not enough, in my view, to fix the problems in this legislation.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my colleague from Alabama for his heartfelt statements concerning this very important issue that faces our country today.

I wish to do two things here. First, I wish to remind the Senate how far along this road we have come. This debate on immigration reform is not one that started on this Monday. It is indeed a debate the Senate started over a year and a half ago, and it started in the Judiciary Committee. It then went through nearly a month of debate, with many amendments and changes, and ultimately a bill that was passed out of the Senate, this comprehensive immigration reform, by a vote, as I recall, of 64 Senators voting to move that bill forward.

Now, that was a year ago. We are now a year ahead, and what has happened during this past year is that there have been continuing conversations about how we might be able to create an immigration reform system that works for our country. After many hundreds, perhaps thousands, of hours of meetings, which included the White House and included the leading members of many of the committees in the Senate, there was a bill that was crafted. It may be an imperfect bill, but part of what is happening today is that, as amendments have been crafted and introduced, there is an effort to make the legislation better.

At the end of the day, I wish to give thanks to all those Members of the Senate and members of the President's Cabinet, and the President himself, for what they have done in moving this immigration debate forward.

I will also add that our majority leader, Senator REID, long ago gave warning to the Members of the Senate that we were going to move forward to immigration. This was not a surprise to the Members of the Senate. Months ago, Senator REID said we have to deal with this most fundamental national security problem of our time, and what I will do is I will reserve time at the end of May so we can deal with immigration reform.

Well, he did that, and he kept everybody's feet to the fire. At the beginning of this week, Senator REID made the decision he would allow another week of debate. So that, at the end of the day, we will have had 3 weeks to study and debate the legislation that was put together.

I will remind my colleagues there has been significant progress made. There have been 23 amendments that have been offered. Of those, 13 have already been disposed of. Seven of them were disposed of this week with rollcall votes, six disposed of with voice votes. As of yesterday, there were 10 pending amendments. Today, there have been four more amendments that have been offered, and the beginning debate on those amendments has taken place. So the majority leader's decision to add 1 more week to continue the deliberation on this bill is something which is needed and something which we all appreciate. Hopefully, what it will lead to is the passage of a comprehensive immigration reform bill that is good for the American people.

I wish to take a few minutes to sum up, from my point of view, why this legislation is so important. We now know we have a system in America for immigration which is broken. It is a system of lawlessness and it is a system that victimizes a lot of people, from the people who are the workers to the employers of this country. We also know it is a system that has been broken for a very long time. Our laws have not been enforced on immigration. The United States has chosen, instead of enforcing the law, to look the other way. Indeed, over the last 5 or 6 years, as I understand it, there have been less than four enforcement actions taken against employers across the country, on average.

When we have that kind of chaos and lawlessness and the kind of broken borders we have, what does it do to the United States? The first thing it does is it compromises our national security. How can we have national security in a post-9/11 world when we don't know who is coming into our country? We have 400,000 or 600,000 people coming here illegally every year. How can we say to the American people that the national security interest of the United States is being protected? How can we do that? We cannot do that. How can we, as Senators and as people who are leading our Government, say to the people of our country that in this democracy we are upholding the rule of law, when we look the other way instead of enforcing the laws of the country? In my view, we need to move forward and we need to develop comprehensive immigration reform.

As I have looked at this legislation and the different aspects of the legislation that have been crafted together, it seems to me we need to look at the comprehensive approach as though we were looking at a tripod. We have to ask ourselves this question: What is the aim of this legislation?

The first aim, in my view—one leg of the tripod—is to fix our borders. We have broken borders. We have broken borders today. So we have proposed in our legislation an additional number of Border Patrol agents to help us secure the border. We started out in this legislation with 18,000 additional Border Patrol officers. Through an amendment by Senator GREGG, that number is now up to 20,000 Border Patrol agents. That is significant additional manpower that is going to go to the border.

We have approved at least 370 miles of fencing. So we will have fencing that will go into the strategic places along the border. We also have included in the legislation 200 miles of vehicle barriers. We have included 70 ground-based radar and camera towers. We have included four unmanned aerial vehicles. We have included new checkpoints and points of entry.

So one of our aims is to secure the border, and the legislation we have put forward, with the assistance and leadership of Secretary Chertoff, will ensure we have a protected border.

We also need to then ask ourselves: What are our other aims? It doesn't do much good to secure our borders but within our country we simply continue to ignore the law. So we need to enforce the law within the country. That

ought to be our second aim. That is the second leg of this tripod: how we enforce our laws within our country. So we must secure America's interior.

How are we going to do that? Well, our legislation does that in a number of ways. First, we will increase the detention capacity of our immigration enforcement system to be able to hold those who are here unlawfully at the number of 27,500 a day—27,500 beds in detention facilities for those who are caught here unlawfully.

Secondly, we will go ahead and hire an additional 1,000 new ICE investigators to help us deal with the investigations of the laws that are broken under our immigration system. We will hire 2,500 new Customs and Border Protection workers. We will reimburse State and local communities, State and local communities that today are having to deal with the problems relating to criminal aliens. We will create a new employer verification system so that employers know the person they are hiring is legal and authorized to work in the United States, and we will do it in a way that does not put an unnecessary burden on American employers. We will hire an additional 1,000 new worksite compliance personnel. We will increase the penalties for gang activity, for fraud, and for human smuggling. We will streamline the background check process, we will require new fraudproof immigration documents with biometric identifiers, and we will encourage partnerships between Federal and State and local law enforcement to make sure our laws are, in fact, being enforced.

So the second aim—to secure America's interior—is something we have covered amply in this legislation.

The third aim—the third leg of this tripod—is to secure America's economic future. I wish to speak briefly about three aspects of how we will secure America's economic future.

First, the AgJOBS Act. The AgJOBS legislation allows us to maintain our current agricultural workforce. It will reform the existing agriculture program and make it effective. That legislation has been crafted to a point where I think there are 567 organizations that have endorsed it, from the Colorado Farm Bureau, to the Farmers Union, to every single agricultural organization in America.

The leaders on AgJOBS in the Senate, Senator FEINSTEIN and Senator CRAIG, have been eloquent in making their statements about the need for the agricultural community, farmers and ranchers, to be able to have a stable workforce. We need to stop the rotting of the vegetables and the fruits in California, in Colorado, and across this country. The only way we are going to be able to do that is if we have a stable workforce for agriculture.

We also include in this legislation, as part of securing America's future, a new temporary worker program. Yes, it is a program that is controversial. It is very controversial on the Democratic side, and there are some Members on the Republican side as well who do not like that particular piece of legislation. I will say this, however. When we crafted the legislation, we included the kinds of worker protections to make sure the exploitation of past programs will not occur.

In the past, there were programs, such as the Brasero program, from years ago, in which there was massive exploitation of workers who were being brought here for a short period of time. What we have done in this legislation is to make sure that massive exploitation will not occur because the worker protections have been included in this legislation.

Finally, we will secure America's economic future by providing a realistic solution to the 12 million or so American people who are working in America, who have come here illegally, and who are in an undocumented status. That, at the end of the day, in many ways, has been the most contentious item we have debated in immigration reform. What do we do with the 12 million people here who are working in our factories, who are making our beds, who are fixing our food in our restaurants, and who do all the work here in America to make sure everybody's daily needs are taken care of? They interface with us in our daily lives.

Some people have said, as all of us have heard, I am sure, every Senator here, we ought to round them up and deport them all; we ought to have a mass deportation of the 12 million people here in America today.

A mass deportation. Well, there is a fiscal cost associated with that. Some people have made an estimate that it would cost multiple billions of dollars to be able to round up all these people and to deport them.

Can we actually do it? Can we actually deport 12 million people? If we were to deport 12 million people, in my view, No. 1, we would have a massive dislocation in the American economy; No. 2, it would be an un-American thing for us to do as a people because it would be inhumane. These 12 million people have brought their hopes and dreams to America, and they have contributed significantly to the workforce. It is our broken system which has allowed the illegality that has taken place to occur over a long period of time. So what we have crafted is a way forward that provides a realistic solution to how we deal with these people.

Now, on the other side, and in some places of our country, what we hear is a loud cry of amnesty. Well, I join President Bush and my colleagues, Senator John Kyl and Senator KENNEDY, in saying this is not amnesty. What we are doing is saying, first of all, they will have to pay a penalty. When someone breaks the law in this country, they have to pay for having broken the law. If you do the crime, you have to do the time. Well, what we are saying is that the law has been broken, and they are going to have to pay very hefty penalties in order to come into compliance with the law.

We also say they have to go to the back of the line. The fact that someone came here illegally and crossed the border illegally will not give them an advantage against those who are trying to come in through our system in a very legal fashion. So all these people, the new Z cardholders, will go to the back of the line.

The next thing we will do is, we will require them to return home before they can apply for their green card. They will have to go home to a country outside the United States and do a touchback before they are able to come back in. We will require them to learn English. We will require them to remain crime free. I could go on and on with respect to the requirements.

I have often said to those who claim this is amnesty, this is not amnesty, this is purgatory. You are basically taking these 12 million people and putting them in a purgatory status for a very long time before they would ultimately be eligible for a green card. That is a purgatory for a minimum of 8 years and for many as much as 12 years.

The legislation that has been crafted in a bipartisan way that is before this body is legislation which is tough, it is fair, it is practical, it is realistic. Our national security requires us to move forward with this legislation. Our economic security requires us to get to the finish line. The moral values of America that have guided America for so long require us to be successful in this mission.

As we conclude the week's debate on immigration, I would like to read a prayer, a prayer that was written by a person who knew a lot about immigration because he saw a lot of the victimization that occurred when there was a broken system of immigration in this country. That was the founder and President of the United Farm Workers of America, César Chávez, who passed away in 1993. He was a friend of mine. I knew him, and I knew his family. This is what he wrote. He said in his prayer:

Show me the suffering of the most miserable;
So I will know my people's plight.
Free me to pray for others;
For you are present in every person.
Help me take responsibility for my own life;
So that I can be free at last.
Grant me courage to serve others;
For in service there is true life.
Give me honesty and patience;
So that the spirit will live among us.
Let the spirit flourish and grow;
So that we will never tire of the struggle.
Let us remember those who have died for justice;
For they have given us life.
Help us love even those who hate us;
So that we can change the world.

That was written by César Chávez, the founder of the United Farm Workers. I think his inspiration has appeal today. It is yet another way to give us a clarion call to come to a successful conclusion of this immigration debate

which is here on the floor of the Senate.

AMENDMENT NO. 1183, AS MODIFIED

I ask unanimous consent that the Clinton amendment, No. 1183, be modified with the changes at the desk.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

The amendment, as modified, is as follows.

On page 260, line 13, strike ''567,000'' and insert ''480,000''.

On page 260, line 19, strike ''127,000'' and insert ''40,000''.

On page 269, line 18, insert ''or the child or spouse of an alien lawfully admitted for permanent residence'' after ''United States''.

On page 269, line 22, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 23, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 23, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 24, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 25, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 26, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 32, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 41, insert ''or lawful permanent resident'' after ''citizen''.

On page 270, strike lines 18 through 27.

On page 270, line 29, strike the first ''(3)'' and insert ''(2)''.

On page 271, line 17, strike ''(4)'' and insert ''(3)''.

On page 273, between lines 16 and 17, insert the following:

(5) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1)—

(i) by striking ''paragraphs (2) and (3),'' and inserting ''paragraph (2),''; and

(ii) by striking ''(b)(2)(A)(i)'' and inserting ''(b)(2)'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking ''(b)(2)(A)'' and inserting ''(b)(2)''.

(6) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(7) ALLOCATION OF IMMIGRATION VISAS.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)'';

(ii) in subparagraph (A), by striking ''becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent)'', and inserting ''became available for the alien's parent,''; and

(iii) in subparagraph (B), by striking ''applicable'';

(B) in paragraph (2), by striking ''The petition'' and all that follows through the period and inserting ''The petition described in this paragraph is a petition filed under section 204 for classification of the alien parent under subsection (a) or (b).''; and

(C) in paragraph (3), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)''.

(8) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting ''or legal permanent resident'' after ''citizenship'';

(II) in clause (iv)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) by inserting ''or legal permanent resident'' after ''citizenship'';

(III) in clause (v)(I), by inserting ''or legal permanent resident'' after ''citizen''; and

(IV) in clause (vi)—

(aa) by inserting ''or legal permanent resident status'' after ''renunciation of citizenship''; and

(bb) by inserting ''or legal permanent resident'' after ''abuser's citizenship'';

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking ''subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)'' and inserting ''clause (iii) or (iv) of subparagraph (A)''; and

(v) in subparagraph (I), as so redesignated—

(I) by striking ''or clause (ii) or (iii) of subparagraph (B)''; and

(II) by striking ''under subparagraphs (C) and (D)'' and inserting ''under subparagraphs (B) and (C)'';

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking ''or a petition filed under subsection (a)(1)(B)(ii)''; and

(D) in subsection (j), by striking ''subsection (a)(1)(D)'' and inserting ''subsection (a)(1)(C)''.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. WHITEHOUSE. Madam President, in the last few days, I have come to the floor to speak about reform of our broken health care system: how to make that system run better, so that tens of billions of dollars are not wasted every year, so we no longer lose as many as 100,000 Americans every year to avoidable medical errors, so that we no longer spend vastly more of our GDP every year than any other industrialized nation for poorer health care outcomes.

I believe three central things need to be reformed. One is improving the quality of care in ways that drive down costs. I spoke about that on Tuesday and used the example of an intensive care unit reform in Michigan that saved $165 million in 15 months and saved over 1,500-plus lives. We need to encourage a lot more of that. The second major reform we need is of health information technology, and I spoke yesterday about the dire state of information technology in health care today-the Economist magazine reported that the health care industry was the worst of any American industry except the mining industry and the significant savings we could generate from expanding our use of health information technology. The RAND Corporation predicted that adequate health information technology would save us from $81 billion to $364 billion per year. We need desperately to capture those savings.

Today, I want to talk about the third piece of this reform: repairing our health care reimbursement system, the way we pay for health care, so that the economic signals we send into the system produce the care we want. Improving quality of care will be an uphill struggle until our payment system rewards it. Health information technology will lag behind other industries until the economics of investing in it makes sense for participants in the health care sector.

These problems can each be fixed, but the repair will work better if the three solutions proceed together, not necessarily as one, but staying close, because they are mutually reinforcing.

The payment system for health care expenditures today sends all the wrong messages: it rewards procedures rather than prevention; it rewards office visits more than email contacts; it neglects best practices and discourages innovation. To a large degree, the system has been co-opted by today's unfortunate business model for health insurance. This is a business model which seeks first to cherry-pick the healthy customers and abandon the sick ones, second to try to deny coverage if a customer does get sick, and third to try to deny claims whenever their sick customer's doctor tries to send in the bills. Health care economics gets in the way of the change we need, gets in the way of improved quality of care, gets in the way of investment in information technology and illness prevention, and gets in the way of lowered costs.

The problem is best exemplified by a tale from a book called ''Demanding Medical Excellence'' by Michael Millenson. Northfield, MN, Madam President, is a town I am sure you know. It is a town of only a few thousand people, but it was home to four very innovative doctors at Family Physicians of Northfield. They discovered they could reduce the average treatment cost of a urinary tract infection from $133 to only $39, a savings of nearly 70 percent, by changing their practice pattern. Instead of doing an office examination, a complete urinalysis and culture, sensitivity studies for antibiotics, prescribing ten days of antibiotics, and a follow-up culture, they attained the same results with a phone conversation with a patient, a complete urinalysis, and a prescription for three days of antibiotics. But pretty soon, the Family Physicians at Northfield were so good at treating their patients—for urinary tract infections and other diagnoses—that their

waiting room was empty. As a reward for their good work, the practice lost so much revenue, from never-performed lab tests and empty appointment calendars that, in 1995, Family Physicians of Northfield, was forced to close. These doctors were taught a harsh, and perverse, lesson by our present health care system, and that lesson is: reduce costs and improve care, and you will be punished.

In Rhode Island, our hospitals are pursuing quality improvement projects in every intensive care unit in the state, modeled on the Michigan program that saved $165 million in 15 months and over 1,500 lives as well. The Rhode Island intensive care unit program had a significant hurdle to overcome, however: the cost was expected to be $400,000 annually per intensive care unit, and the hospitals had to pay it. The savings were estimated to be $8 million, but those savings would not go back to the hospitals. The savings went to payers. So, for its $400,000 invested, a hospital actually stood to lose money, from shorter intensive care unit stays and fewer complications, so fewer procedures to remedy the complications. Truly pushing that quality envelope, and striving for zero tolerance in infections and errors, was against the hospital's best economic best interests. It took the special, collegial relationships developed within our Rhode Island Quality Institute to solve this payment dilemma between our hospitals and insurers.

A similar analysis pertains to prevention investments. The payer has to shoulder 100 percent of the cost today, but the savings in forestalled illness might not occur for years. Maybe by then the customer will be some other insurer's customer, then maybe Medicare's. If you are the insurer, why take the chance and assume that cost, if the savings will not accrue to you?

There are many ways to repair perverse incentives in the way we pay for health care, but one that makes sense to me and uses existing infrastructure would be the following. Let medical societies and specialty groups, who create ''best-practices'' within their specialty, submit those best practices—including cost-effective prevention programs—for approval by local health departments. If, after suitable administrative procedures, the best practices are approved, reward the effort by differentiating, in Medicare and Medicaid reimbursement rates, between care that follows the local best practices and care that does not. Reward the effort by forbidding any insurer operating in interstate commerce—any health insurer—from using ''utilization review''—that is their word for denying payment—for care that is delivered within these approved best practices. Require them to pay all those claims, in which the provider followed best practice protocols, within 30 days.

The legislation I have prepared will do just that.

This legislation sets a lot of good forces in motion. It encourages development and dissemination of best practices in medicine. It encourages doctors to follow those best practices, and discourages the wide and unjustifiable variations in medical treatment evident now. It encourages a sensible one-time debate in a professional, administrative forum at the time approval or amendment of the best practices is sought, and it discourages the wildly expensive payment battle now fought, claim by claim, between insurers and providers. I know from my experience as the insurance commissioner for Rhode Island how much time and money insurers and providers spend in claims administration. Studies have estimated that $20 billion is spent every year in this bitter and expanding arms race, both by insurers seeking to deny claims and doctors seeking to defend their claims, and every dollar of that fight is wasted. Doctors in Rhode Island tell me regularly that as much as half of their staff is engaged in this billing battle. Instead of in providing health care for their patients.

My legislation will engage the medical community in a thoughtful way. It will bring best practices to the forefront. There is a lot of discussion about comparative efficiency in health care today, debates over which treatments and methods are most effective—this legislation will provide a truly meaningful forum for those discussions. An example: Recently, the New York Times reported on a 40-step protocol implemented for bypass surgery patients by Geisinger Health Systems, which right now can be implemented only within Geisinger hospitals. This bill would allow these protocols, if pursued by the local cardiology association and approved by the State health department, to get favorable reimbursement statewide. I hope this bill will help the health insurance industry look to a new business model where your insurance company is looking out for you, is your advocate when you are sick, reminds you when testing or prevention is appropriate, helps you find the best practices or care, where your insurer is your navigator and your adviser in the health care system instead of your adversary.

This legislation can help repair our health care system. It puts the priorities and incentives in the right place so market forces are unleashed in our favor. It uses existing structures, just in new ways. It is designed and mandated to be budget neutral. And it does no harm if it does not work right away, if doctors do not take it up, if health departments will not hold the hearings, no harm is done But let's give it a chance to work.

Let me close by saying how important this moment is. I serve on the Budget Committee and have heard the troubling facts about what the health care system will cost us in years to come. By the year 2050, the combined cost of Medicare and Medicaid will rise to eat up 22 percent of our gross domestic product. Further, as my friend Budget Chairman CONRAD has noted, the 75-year net present value of the unfunded liabilities in Social Security and Medicare equal $38.6 trillion, and $33.9 trillion of this total is for Medicare alone. The health care system is eating up our economy, costing twice as much as the European Union average. There is more health care than steel in Ford cars and more health care than coffee beans in Starbucks coffee. It is significantly hampering our competitiveness. It is the number one cause of American family bankruptcies.

By acting now, by acting in advance, by bringing some sensible economics and some sensible management and some helpful incentives to our health care system, we can start to grapple with its cost. And if we take on that fight here and now, while time is still on our side, we can reduce costs in the best possible way: by improving the quality of care, by making Americans healthier, by preventing illness before we have to treat it, by avoiding expensive and often fatal medical errors, by giving our doctors the decision support other professionals have had for decades, in sum, by making our health care system better. Considering the stakes, shame on us if we fail in that duty.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE DEMOCRATS

Mr. REID. Madam President, Democrats earned the majority in Congress last year by strongly opposing the President's failed Iraq policy and advocating restoration of the values of working families in relation to our Government. The American people sent a clear message last November it was time to change course in Iraq. Congressional Democrats made that our top priority in the first day in this Congress, and have every day since. In less than 4 months, we have been able to send to the President's desk a number of things to keep our Government open; and that is the case literally.

In less than 4 months, we have been able to send to the President's desk things he refused in years past, because now there is a Congressional branch he has to deal with.

As it relates to Iraq, the President has vetoed the bill which reflected the wishes of the American public and many senior military leaders and a bipartisan majority of Congress.

Last night we sent him another bill that doesn't go as far as I would like, and the majority of the Democratic Senators, and that is an understatement. But it does begin the process of holding the President and the Iraqis accountable.

POLLING DATA

I think it is important to note how the American people feel, that this isn't just a bunch of politicians talking in Washington. There was a poll taken by the New York Times and CBS that was reported today. It was a very in-depth poll. When we do polls at home, those of us who serve in government, they do samplings of 400 to 600 people. This poll was twice that big. Almost 1,200 adults were sampled, so the margin of error was very low when this poll was done.

Among other things, it said 61 percent of Americans say the United States should have stayed out of Iraq, and 76 percent say things are going badly there, including 47 percent who say things are going very badly. President Bush's approval ratings remain the lowest of his office in more than 6 years: 30 percent approve of the job he is doing; 63 percent disapprove. More Americans, 27 percent, now say that generally things in the country are seriously offtrack. This is the lowest number of approval and the highest disapproval rating since these polls have been taken.

Public support for the war has eroded: 61 percent say the country should have stayed out of Iraq; a majority, 76 percent, including 51 percent of Republicans, say additional troops sent to Iraq this year by Mr. Bush either have had no impact or are making things worse. Most Americans support a timetable for withdrawal; 63 percent say the United States should set a date for withdrawing troops from Iraq sometime next year. The poll found Americans are more likely to trust the Democratic Party than the Republican Party by a significant margin. More than half said the Democratic Party was more likely than the Republican Party to make the right decisions about the war. More broadly, 53 percent of those polled said they have a favorable opinion of the Democratic Party.

As for Mr. Bush, 23 percent approve of his handling of the situation in Iraq, 23 percent; 72 percent disapprove. Madam President, 25 percent approve of his handling of foreign policy; 65 percent disapprove. And 27 percent approve of his handling of immigration issues, while 60 percent disapprove.

SENATE AGENDA

Regarding the war in Iraq, I have spoken over the last week to two parents in Nevada—one in Reno, one in Fernley—who have lost sons in Iraq. Multiply that almost 3,500 times. I can't imagine the grief and despair. During the last 3 days, 17 American soldiers and marines have been killed in Iraq, 3 days—9, 2, and 6. It is an American tragedy. As I said last night on this floor, we will not stop our efforts to change the course of this war until either enough Republicans join us with regard to this war to reject the President's failed policies or we get a new President.

At the same time we have opposed the President's Iraq policy, we have moved forward on legislation that invests in our security, our economy, and our health. In a matter of days, we will have as law a raise in the minimum wage. Sixty percent of the people who draw the minimum wage in America are women, and for more than half those women that is the only money they get for their families. It was important that we raise the minimum wage, and we did that. It was long overdue.

We have also provided, and will shortly have signed into law, $400 million to ensure that States don't run out of money for the State Children's Health Insurance Program. In the coming weeks, we will seek to reauthorize this successful program that keeps millions of children healthy. We may not be doing much for adults in health insurance, but we are taking steps forward with our children.

For 3 years we have tried to pass legislation that would give relief to farmers and ranchers. We have been unable to do that. The Republican majority has refused to allow us to do that. Disaster relief for farmers and ranchers, we did that. That is now going to be signed into law, $3 billion. Farms have gone bankrupt in the ensuing years of the need for this relief. I would suggest, if you look on the Internet at what an emergency supplemental is all about, it talks about emergencies that occur during the year—floods, fires, drought, hurricanes, tornadoes. That is why what we did last night, farm relief, $3 billion to help farmers and ranchers recover from drought, flood, storms, and other disasters is long overdue. That will be the law in a matter of days.

Because of global warming, the western part of the United States has been swept with wildfires. In Nevada, millions of acres have burned. When these areas burn, we get noxious weeds that come instead of the plants and grasses that should be there. We are going to have in a short few days relief. The law has been passed, western wildfire relief, $465 million to help prevent and fight wildfires in the west and elsewhere. That is so important.

As I understand, there has been a raging fire on the border of Minnesota and Canada. It has taken days to put that fire out. That is what we are talking about. It should have been done a long time ago. We have had to fight for this. I can remember going to the White House, being told by one of the President's assistants: Don't worry about that. We will do it with one of the regular bills.

We are limited on what we can do on regular bills. This is emergency funding. The President has gone to New Orleans, LA, more than 20 times since those devastating floods that occurred there as a result of Hurricane Katrina. The President has talked about it but done very little. We did something about it. We have overcome the opposition of the White House, and in the bill that we passed last night, we provided nearly $6.3 billion to help the people of the gulf coast affected by Hurricanes Katrina and Rita.

Homeland security—Senator BYRD, from his seat right here, over the last 5 years has offered many amendments. He wrote a book and talks in his book about the times he offered amendments to do something about homeland security. It was defeated on a straight party line basis many times. Last night we weren't defeated on a straight party line basis. We didn't get enough, but we did get a billion dollars to look at programs that are all so absolutely important and necessary: port security, $110 million; rail and mass transit security, $100 million; explosive detection systems for airline baggage. It is interesting with our airlines, you climb in one of those seats in the airplane. You are seated. You feel pretty comfortable about the person sitting next to you. But you don't know what is in the cargo of that airplane. We got some money for that last night, as well we should. Air cargo security, $80 million to inspect cargo on commercial passenger airlines; $285 million for explosive detection systems for airline baggage. It was long overdue—not enough but certainly a step in the right direction.

The Republicans had a majority of 55 to 45. They couldn't pass a budget because it was so skewed toward the rich, so skewed toward the business community and directed against working class America, they couldn't pass it. We have a majority, with Senator TIM JOHNSON being ill, of 50 to 49, not 55 to 45. But we passed a budget. We passed a balanced budget that restores fiscal discipline and puts the middle class first, cutting their taxes while increasing investment in education, veterans care, and children's health care.

For the second year in a row, we legislated to give the hope of stem cell research to millions of Americans who suffer from all kinds of diseases. There is one Senator holding up our overriding the President's veto. It could be any one of these Republican Senators. We are at 66. We need one more to override the President's obstinance in the form of this veto.

What the President has done to stifle hope for millions of Americans is wrong. We were at a Senate retreat. Michael J. Fox came in, someone whom Rush Limbaugh made fun of because he shakes when he talks. He has Parkinson's disease. The renown actor came up and talked to us about his money he has put in to find a cure for other people who have Parkinson's disease. He has done good work because the human genome project is completed, and they found the gene that causes Michael J. Fox's neurological problems. But he said: We need more help. Stem cell research would help us find out a way to attack that gene, to take care of that gene. But the President has stifled, stopped, slowed down the hope of millions of people just like Michael J. Fox.

Several other important bills have passed and will soon be on the their way to the President, such as a continuing resolution. This is not a name I came up with, the ''do-nothing'' 109th Congress. The Republicans controlled by significant margins the House and the Senate, and they have been dubbed by historians and the press as the do-nothing Congress. They did less and served their constituents less days in actual work in the Senate and the House than in the history of the country. They did less and were in session less than the do-nothing Congress of 1948.

One of the things they didn't do is fund the Government. They lost the elections last November and just left town and unfunded the Government. So there was a responsibility upon us, the Democrats, to fund the Government from February 1 to October 1. We did that. It wasn't easy, but we did it.

The 9/11 Commission, the President fought it. But there was a hue and cry to establish an independent bipartisan commission to look at what happened on 9/11, what went wrong. Led by Congressman Hamilton and Governor Kean, this independent bipartisan commission came up with recommendations. We waited almost 3 years for the Republican Congress to do something. They did basically nothing. The 9/11 Commission, in fact, gave the Bush administration failing grades, Ds and Fs, in all that they asked Congress and the President to do. But we, the Democratic Congress, passed all the recommendations of the bipartisan 9/11 Commission after they had been pushed aside for all those years. Now, within a matter of weeks, the House will do the same, and we will send this matter to the President and have him sign it.

Ethics. The most significant ethics and lobbying reform in the history of our country we did as the first bill we took up. With the culture of corruption that existed here in Washington in the 109th Congress with—think about this: Am I making up a culture of corruption? For the first time in 130 years—approximately 130 years—someone who was working in the White House was indicted. ''Scooter'' Libby was indicted and convicted. Safavian, who was head of Government contracting, appointed by the President and responsible for billions of dollars, was led away from his office in handcuffs because of sweetheart deals he made with Jack Abramoff and others.

On the other side of the Capitol, in the House, the majority leader in the House was convicted of three ethics violations in 1 year. What did they do to respond to that? Changed the ethics rules. He is also under indictment.

So there certainly was a culture of corruption. Staff members are still under investigation. Congressmen are still under investigation because of this culture of corruption. Members of Congress have had to resign or have lost their races because of being involved in unethical and criminal activities.

Yes, there was a culture of corruption, and we took this up as our first legislative measure and passed it. The House passed it yesterday. We need to go to conference now and send that to the President.

As we all know, we have begun debate on immigration reform. We are continuing that the week we get back. We have taken action on 7 of our top 10 legislative priorities we introduced on the first day of the 110th Congress. It is tradition that the majority party introduces the first 10 bills. We did that. Seven of them we have passed.

In the coming weeks, we expect to turn our attention to the remaining three.

Energy. As soon as we finish immigration, we are moving to energy legislation. It is bipartisan. It is legislation that has been reported out of the Energy Committee on a bipartisan basis, legislation reported out of the Environment and Public Works Committee on a bipartisan basis, and legislation that has come from the Commerce Committee on a bipartisan basis.

It is not everything I want but a great start for one of the big problems we have facing America today: energy.

In the State of Nevada, my home, we have the third highest gas prices in the country—Nevada. In Reno, NV, gas prices are around $3.40 a gallon. We need to do something about it.

The gluttony of the oil companies is unbelievable—making tens of billions of dollars. It is so interesting, every time at just about Memorial Day, when people want to travel, their refineries go down, they need repair. Who makes all the money? It is not the person you go to who pumps gas in your car or even a self-service station you go to. They make pennies. They make less than a nickel a gallon. In Reno, NV, and other places in the country, you can pay $3.40 a gallon at the place you buy that gasoline, and that person makes almost nothing. It is made by the gluttonous oil companies, the refiners—record profits, of course.

We are going to take a whack at that. I hope we can get it passed. It has some interesting things in it. One of the things it has is CAFE standards, saying automobiles in our country should be required to have higher mileage per gallon. We are going to try to get that done.

The bill also includes some legislation dealing with alternative energy. We cannot produce our way out of the problems we have in America with oil. We have less than 3 percent of the oil in the world in America. We cannot produce our way out of our problems. We have to lessen our dependence on foreign oil.

Today, in America, we will use 21 million barrels of oil. It is hard for me to comprehend there is that much oil in the ground, let alone our use of it in 1 day. We import about 65 percent of that oil. This oil comes from some of the worst tyrannical governments in the world. Much of that money is used to export communism and other bad things to countries, including to America.

We must lessen our dependence on foreign oil. This administration is the most oil-friendly administration in the history of our country. So we are going to take up this legislation the second week we get back. The bill will dramatically increase America's renewable fuel production so we can begin the crucial long-term effort to reduce our dependence on unsustainable and volatile energy supplies I have talked about.

The bill requires consumer appliances, buildings, lighting and, most importantly, vehicles to become much more energy efficient. The Federal Government's own energy performance will be significantly improved as well.

I so appreciate Senator BINGAMAN, the chairman of the Energy Committee, and Senator BOXER, the chairman of the Environment and Public Works Committee, whose career has been based on things dealing with the environment. Senator INOUYE, chairman of the Commerce Committee, and his right-hand person in this effort, Senator KERRY, have done remarkably good work.

This legislation will address the growing threat of price gouging and energy market manipulation as gas prices continue to set new record highs almost every day.

I have been so impressed with MARIA CANTWELL, the Senator from Washington, for her continual efforts to go after these big gluttonous oil companies. Her price-gouging legislation and energy market manipulation legislation has been, in my opinion, a picture of how we should legislate.

Education. We expect to address reauthorization of the Higher Education Act in the next few weeks—in the next few months, probably more likely. I hope to do it, complete it, before our August recess.

Since the act was last authorized in 1998, college costs have continued to skyrocket. A growing number of students are being priced out of a college education and all the doors it opens. A child's ability to be educated should not be dependent on how much money their parents have.

I, of course, am a big fan of early childhood education. I was so impressed yesterday, not far from here, the conservative reporter—I should not say reporter—editorial writer, David Brooks, from the New York Times, talked about his belief of young people being educated and how he had become a convert and he now believes that the Government should be involved in getting kids educated.

Many of those lucky enough to make it through college now begin their careers saddled by the weight of the money they have had to borrow. In Nevada, the average debt of a student is $15,000. That is unacceptable. It is not unusual for someone to graduate from medical school owing $150,000.

Now, people say: Well, doctors make a lot of money. They do not make that much money. One of my friends, a prominent physician in Las Vegas—I do not think he will mind me mentioning his name; if he does, he can call me—Dr. Tony Alamo worked hard all his life—his father came in a boat from Cuba—believes in education. The senior Tony Alamo did everything he could to get his kids educated. He had a boy become a doctor.

Now, young Tony is one of the lucky ones because his dad has done so well with the rags-to-riches story in America, and I am sure as to his debt, his dad could help him pay it off, if necessary. But Dr. Alamo is very unusual because he has parents who can help him. He has explained to me that when doctors graduate from medical school, they get a job, and a lot of jobs now are with managed care, being they are all over, and they are salary jobs. They have difficulty with their salary job paying off their loans.

Our legislation will increase the maximum Pell grant, reduce student loan interest rates, expand loan forgiveness programs, and cap student loan payments at no more than 15 percent of their income. Our bill takes important steps to address this alarming and growing crisis.

We are going to take up the next work period the Defense authorization bill. One of the things we talked about doing in one of our 10 bills is to rebuild our military. It is in a state of disarray, disrepair. We learned that when we found out from the Governor of Kansas, after that tornado, that half of the equipment of her National Guard was in Iraq. Could not respond to the crisis there. It is that way all over the country.

JIM WEBB, who is a Senator from Virginia—JIM WEBB has a résumé of an American hero because that is what he is. He is a graduate of the Naval Academy, fought heroically in Vietnam, earned medals for heroism, was badly injured. His military career ended not because he wanted it to but because he was hurt and had to get out.

He believes the most important thing we can do to hold the President's feet to the fire in Iraq is force him to make sure our troops are ready to go to battle, they are trained properly, they have that equipment. He has an amendment we are going to work on to get in the Defense authorization bill.

One of the boys killed from Nevada this past week was on his fourth tour of duty in Iraq. His friend said: He told me he survived four explosions, and he didn't think he would survive another one. He did not. It was an awful death. We now have two hostages, prisoners of war in Iraq. Remember, when they were captured, they did not know who for sure the three were because they knew there was a body in the Humvee. So I called and talked to the dad, and he prayed that his boy was not in the Humvee, that he was a prisoner. But it didn't work. His boy was incinerated in the Humvee. They could only find out who he was with DNA. He was on his fourth tour of duty.

That is what JIM WEBB is advocating. That is what we advocate. We are going to take that up in the Defense authorization bill, to make sure our troops have what they need. They do not have that now.

The bill last night that we passed provides funding to ensure our troops, until the first of October—active and retired—get some of the money they need. But we have to restore and renovate what has been ruined and damaged in Iraq.

JACK REED, a graduate of West Point, believes it will take nearly $100 billion to bring our military up to what it should be. We are going to work toward that in the Defense authorization bill. That committee is chaired by CARL LEVIN. So we are going to make investments, critical investments to address troop readiness problems in the Army and Marine Corps caused by the President's flawed Iraq policy.

We will take a number of steps to reconfigure our national security strategy to better meet the threats and challenges we face today. That includes returning focus to the growing and increasingly overlooked problems in Afghanistan and working to improve special operations capabilities.

So once the next work session is complete, we will have taken action on all 10 of our day one priorities and passed most of them with overwhelming bipartisan support.

Now, we have had to fight to get that support, with cloture, on many different issues to get to where we could have a vote. But we have made it, and I appreciate that help from the Republicans.

We have also successfully addressed many crucial issues not on that list. The FDA reauthorization bill we passed facilitates the timely review of new drugs while improving the safety of the medicines patients take and the food we eat. We passed the Water Resources Development Act, known as WRDA, the first one in about 6 or 7 years. It will protect America's environment and keep our economy strong. We also passed the America COMPETES Act, which is an act to return our country to a position of leadership in science, research, and technology.

I would say by far the most important fight we have taken up this year is our effort to oppose the President's failed Iraq policy and bring the war to a safe and responsible end. The next work period, as I have indicated, will oppose the President's failed policy regarding the war at every turn. The Defense authorization bill will be a major part of that battle. We will continue this fight every day. We have had some bipartisan victories this year and some tough fights as well. Progress especially on the war has not come easy and that is not likely to change. But if we continue to work in good faith, seeking bipartisanship at every opportunity, I have no doubt we can accomplish great things for the American people.

Madam President, are we in morning business?

The PRESIDING OFFICER. We are not.

Mr. DORGAN. Madam President, I voted in favor of the Vitter amendment yesterday because I do not support a plan that tells those who came to this country illegally up until December 31 of last year that they are excused and now have legal status.

I think that is a mistake.

But I do want to state clearly that there are a fair number of those 12 million people who came in here without legal authorization whose status must be resolved in a sensitive way. I am talking about those who have been here for decades, who have raised families, worked hard, and been model citizens. I believe we should adjust their status and give them an opportunity to earn citizenship.

That same right, however, should not apply to someone who just last December decided that they were going to sneak into this country illegally.

My understanding is that we will have additional amendments that will be sensitive to the need to distinguish that difference and I intend to support the amendments that will provide the sensitivity to those immigrants who have been here leading productive lives for a long period of time.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent to proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR TED STEVENS

Mr. BOND. Madam President, in April, TED STEVENS became the longest serving Republican Member of the United States Senate in our country's 230-year history. I join my colleagues in congratulating the Senator and thanking him for his many years of service and our friendship.

Much has already been said about Senator STEVENS' sometimes grouchy and intimidating demeanor. But if we look past the hulk ties, the scowling countenance, the vigorous defense of any and all attacks on Alaskan priorities, and the cowed staff who fear that they have fallen on the wrong side of our esteemed senior Senator, we see another, more compassionate side.

When I first arrived in Washington, DC, in 1987, my son was entering first grade at the same time as TED's beloved daughter. Sam and Lily became fast friends, and so did their parents.

TED and Catherine were very close friends of ours and like godparents to Sam. Anyone who knows TED well

knows how important his family is and the high value he places on his children and their friends. He is truly a most kind, gentle, and readily approachable father, uncle, and godfather.

His concern about others' children and family members is equally heartfelt. As he exercises his many leadership roles, Senator STEVENS is always willing to take our family obligations into account. He realizes how important it is to schedule time for our families in the chaotic, hectic life we lead in the United States Senate.

In addition to the close personal friendship we have enjoyed with the Stevens family, I have had the opportunity to work closely with Chairman STEVENS as a member of the Senate Appropriations Committee.

As chairman, TED is solicitous of the concerns of even his most junior members. He is also a devoted friend of his partner—sometimes ranking member and sometimes chairman—Senator DAN INOUYE.

While there is never any doubt that he and Senator INOUYE control the Defense Appropriations call, Senator STEVENS is sensitive and receptive to the needs of other Members to the greatest extent possible.

He is a very passionate defender of the Appropriations Committee, its prerogatives, and its responsibilities. Woe unto the person who attacks the appropriations process or the work that he does. One soon learns that such a position is not one to be taken lightly. One had better be prepared for a bruising fight.

As President pro tempore, he was a faithful and dedicated leader of the Senate. Now that he is—temporarily—out of that position, he continues a close working relationship with his good friend and colleague Senator ROBERT C. BYRD, the current President pro tem.

It is, indeed, an honor to have him as our leading senior Republican in the Senate.

The Senator's influence extends far beyond the Senate to Alaska, the Nation and the world.

Many of the accomplishments of the Senate over the last 4 decades bear the mark of TED STEVENS. He has been tireless in his leadership to secure a strong military—and has funded a strong personnel system, the most needed, up-to-date equipment and the most promising research. The current strength and superiority of the U.S. Armed Forces is due in no small part to Senator STEVENS.

He has also been a leader in the natural resources, transportation issues, and climate change issues important to all of America but that particularly affect his home state.

TED is passionate about Alaska—its natural beauty, its people, its needs and its fishing. Many of us have enjoyed traveling to Alaska with Senator STEVENS and discovering first-hand the treasures it has to offer.

The many roads, parks and buildings named for him are but a hint of all he has done for the State. His contributions are extensive and lasting, from improving the infrastructure to safeguarding the wildlife and natural resources Alaska has in abundance.

Alaskans rightly dubbed the Senator the ''Alaska of the Twentieth Century.'' I am sure Senator STEVENS would remind us that he is not done yet. Odds are he is a favorite to be ''Alaskan of the Twenty-first Century'' as well.

It has been a tremendous honor and privilege to serve with TED STEVENS. I look forward to many more years of working together.

Mr. MARTINEZ. Madam President, I wish to acknowledge an esteemed colleague and his long and storied service to the United States Senate. Senator TED STEVENS has given much to this great country of ours. Born in Indiana, he spent his college years in the West, his law school years in the East, and made significant contributions in a place far north of here. Yet he achieved much of this by heading south, to our Nation's Capital. His career reflects his dedication not only to Alaska but to all of America. He has touched every corner of this country—and beyond. Fighting in China during World War II, he served our Nation valiantly as a member of the Army Air Corps where he flew support missions for the Flying Tigers of the 14th Air Force. Now, more than six decades later, he is still serving our country.

Following work as an attorney in Alaska in the 1950s, TED STEVENS headed for Washington to work for the Department of Interior under the administration of President Dwight D. Eisenhower. It is worth noting that it was President Eisenhower who signed Alaska into statehood in July of 1958. Not too long after Alaska found statehood, he decided to return to the home he had made in the Last Frontier. Soon, he was serving in the State house of representatives—a body of which he became the majority leader in 1964. While he may have initially found his way to the U.S. Senate by virtue of appointment in 1968, he soon had the weight of his State's voters behind him.

Now serving his seventh term in office, Senator STEVENS has been a reliable supporter of his home State's interests and has supported our country in many of its most trying times. The institutional knowledge and wisdom which Senator STEVENS brings to the Senate benefits this body greatly. All of us appreciate his work and contributions to America. Be it as the former chairman of the Commerce Committee, the former chairman of the Appropriations Committee, a strong voice and dedicated member of the Homeland Security Committeeor for his work on the Rules Committee—we thank him for his leadership, past and present.

Congratulations to Senator STEVENS on becoming the longest serving Republican in Senate history. His more than 14,000 days in this body are a remarkable testament to his hard work, staying power, and skills as a Senator. I know the people of Alaska appreciate all that he has done for them over these numerous decades. On behalf of my fellow Floridians, I thank Senator STEVENS for his service to America and to the Senate.

RETIREMENT OF VICE ADMIRAL BARRY COSTELLO

Mr. LEAHY. Madam President, In the opening days of the war in Iraq in 2003, before ground forces moved into the country, I received an e-mail at a particularly suitable moment. Just when I was about to step into a meeting with President Bush at the White House, in came a message from my friend and colleague, then two-star Rear Admiral Barry Costello.

Admiral Costello was in command of Cruiser-Destroyer Group One, based in the Persian Gulf. Its flotilla, including the aircraft carrier USS *Constellation,* was launching cruise missile and air strikes, while its contingent of over 7,000 marines waited to move into the country. Barry poignantly said, ''we are in the forefront—and are working hard to make America proud.''

I showed that note to the President. He and I disagreed on pretty much everything in the runup to the war, but at that moment we had a shared pride in Barry and the men and women under his command. The expertise, dedication, and sheer patriotism on display there in the gulf was beyond question. That moment crystallized the depth of gratitude that not only we elected leaders in Washington but also every Vermonter and American feel for our Armed Forces.

Barry Costello has recently retired from the Navy after a stellar 36-year career. At every stage, before and after his command during the second Iraq war, professionalism and pure competence have been deeply etched in Barry's career. Whether in postings on the Joint Staff or on the USS *Elliot,* which he commanded, Barry has impressed those above and below him in the chain of command. His knowledge of the Navy—its organization, its mission, its capabilities is unrivaled.

That thoroughgoing command of his surroundings, that superb ability to contribute to the larger organization made him a natural to serve as a legislative liaison here in the Senate and Congress as a whole. Whenever I or any of my colleagues had a question about some program, however obscure, Barry could answer it or get us answer in pretty short order. He was a strong conduit in the other direction too, providing insights to the senior Navy and Department of Defense leadership about the concerns of Congress. In short, he was the perfect liaison.

It was fitting that Barry capped his career with command of the Navy's Third Fleet, based out in San Diego. One of the most powerful forces in our military's arsenal, the Third Fleet established itself with distinguished service under the legendary ADM William

F. ''Bull'' Halsey. Barry's leadership combines the steadfastness of Halsey and the eagle-eye vision of a Nimitz. At the Third Fleet, he showed himself a Navy officer's officer.

At 56, Barry still has ample contributions to make to our country, whether in industry or further public service. He has already served as an inspiration to the Navy and Vermont, and I have no doubt that he will continue make enormous strides on behalf of others in whatever endeavors he pursues.

I know I will run across Barry very soon, but I want to congratulate him, his loving wife LuAnne, and their two sons Brendan and Aiden. The Senate, Vermont, and the country join me in expressing our deep gratitude. Thank you.

RURAL BROADBAND

Mr. ROBERTS. Madam President, I rise today to speak about rural America, and the need to ensure that this cornerstone of our way of life has the same access and availability to modern technology that many Americans take for granted. Specifically, I am referring to the availability of high-speed Internet, also known as broadband.

Broadband Internet is essential to rural development. It does for rural areas today what interstate highways did in the 20th century, and railroads did in the 19 century. It is key to attracting new businesses to rural areas, and helping our existing rural businesses grow and become more competitive.

Unfortunately, rural America continues to lag behind its urban and suburban counterparts when it comes to the availability of this essential resource. It is not that rural folks do not want broadband, but only that they do not have as much access.

In the 2002 farm bill, Congress created a loan and loan guarantee program to help build broadband out to rural areas that lacked this crucial service.

The Rural Utilities Service, RUS, an agency within the U.S. Department of Agriculture, was charged with the responsibility of administering the broadband loan program and using it to promote access in unserved, rural areas.

Unfortunately, the agency's implementation and administration of this program strayed from the rural focus Congress intended.

Instead of targeting our rural areas, huge sums of money have been used to provide broadband in urban areas, suburban developments, and towns that already have service.

Instances of waste and abuse have been clearly illustrated by the USDA inspector general, in hearings held by both the House and Senate Agriculture Committees, and in prominent news reports.

There is wide, bipartisan agreement on what is wrong with this program. I believe that there should also be wide, bipartisan agreement on how to move forward.

While a number of legislative and regulatory fixes have been suggested here in Congress and by the RUS, none so far have been comprehensive enough to surmount the challenges of deploying broadband in rural America.

I have been proud to reach out to my friend and colleague, Senator SALAZAR of Colorado, on the Senate Agriculture Committee to work toward a solution. It is the Committee on Agriculture that has jurisdiction over this program, and it is from this committee that a way forward must be found.

Together, myself and the distinguished junior Senator from Colorado, have worked toward a consensus driven, comprehensive approach to promoting broadband in rural America. On Monday of this week, we introduced legislation to accomplish this goal, the Rural Broadband Improvement Act of 2007.

This legislation will provide the secretary with additional guidance to direct broadband loans to those truly in need by clarifying where, when, and to whom loans can be made. It ties approval of loans to a requirement of nonduplication of service, making this legislation significantly more robust and less ambiguous than the current statute.

The issue of duplication of service, more than any other issue, has been the subject of criticism of the RUS. When RUS makes loans in areas that already have broadband service, it has a twofold negative affect.

First, it undermines the market. Often, rural towns may enjoy broadband availability. Small, independent providers that are already present in rural towns have their subscribers pulled out from under them by a competitor who, because they have an RUS loan, have an unfair advantage with which to offer lower rates. This can threaten the very existence of some locally owned, independent broadband providers that invested in rural towns without an RUS loan.

Second, when loans are going to areas that already have service, it means that truly unserved, rural areas for which this program was created continue to be neglected. Indeed, it is the outlying, sparsely populated areas that are in need of broadband service. These are the areas broadband loans should be made to serve—not overbuilding towns where the service is already present.

This is unacceptable. That is why this legislation which I am introducing on behalf of myself and my colleague from Colorado will attach to the definition of eligible rural community, a clearly defined requirement of nonduplication of broadband service.

Reforming and improving the broadband loan program means doing more than just addressing this one aspect for which it has been criticized. It also means eliminating unnecessary and unprecedented limitations on what borrowers are eligible to participate.

In particular, I am referring to the conspicuous 2 percent telephone subscriber line limit. This limitation acts as a disincentive for growth; unnecessarily penalizes larger, but still rural-focused phone companies; and ignores the reality that more and more households are abandoning land line subscriptions in favor of wireless communication. The bottom line is that limiting what providers can participate in the program does nothing to expedite broadband deployment in rural areas.

This legislation also streamlines the application and post-application requirements. For many small and independent providers with limited staff, it can be discouraging to look at a 38-page application guide to a 57-page application. What's more, those who go through this arduous process may wait for a seemingly indefinite period of time for a yes or no to whether their application is approved.

To address these matters, the act directs the Secretary to complete application processing within 180 days and allows parent companies and their wholly owned subsidiaries to file a single, consolidated application and post application audit report.

The bill further streamlines the application process by eliminating various other duplicative and burdensome application requirements, and directs the agency to hire whatever additional administrative, legal, and field staff are necessary to meet these requirements.

The act also contains powerful incentives to increase the feasibility of loans. First, it allows limited access to towns where broadband may be available, but in circumstances when doing so is necessary to building broadband out to the sparsely populated and outlying areas that have no service at all. I do want to stress, however, that this is not a loop-hole that will lead back to the problems of duplication and overbuild. The majority of households to be served by the project financed with an RUS loan must be without access to broadband. Additionally, the act creates better transparency and requires incumbent providers to be properly notified when an RUS applicant plans on doing so.

Second, the act ensures that collateral requirements are commensurate to the risk of the loan.

Third, instead of requiring an inflexible 20 percent equity requirement, the act provides more flexibility for small and start up companies by requiring only 10 percent equity, and allowing the agency to waive this requirement so long as the applicant can prove that it will be able to pay back the principal of the loan plus interest.

This legislation also codifies an innovative grant program based on the successes illustrated in the Commonwealth of Kentucky. Broadband deployment in rural areas will work better once we know where it already is. To do this, grants will be made available to help fund partnerships between state

governments and the private sector to map where broadband is available in rural areas, and conduct outreach to areas where it is still unavailable.

I and my colleague, Senator SALAZAR, have always shared a concern for our rural citizens. I am proud to work with my neighbor to the west on this issue, and I look forward to working with my other colleagues on the Senate Agriculture Committee as we begin work on the 2007 farm bill.

OLDER AMERICANS MONTH

Mr. KOHL. Madam President, generation by generation, the face of America is always changing. In the next quarter of a century, the laugh lines of that face will deepen as the number of older Americans explodes. Today, those over 65 account for 12 percent of our population; in 2030, they will account for 20 percent. Academic experts, policy wonks, economists, and health care providers are conjecturing broadly about how this demographic wave will affect our society. As chairman of the Senate Special Committee on Aging, I am listening carefully.

It is the charge of the Aging Committee to plan accordingly for the challenges facing our seniors tomorrow and to tackle the problems confronting them today. Older American Month, which occurs each May, gives us an opportunity to highlight these issues but let me assure you that it is impossible to relegate senior issues into one neat category, and soon it will be impossible to confine our attention to them to just 1 month.

Nearly every issue dealt with by Congress affects older Americans, or is affected by them, in a unique way. From emergency preparedness to broadcast technology, from the size of the labor force to regulation of corporate marketing practices, these issues are worthy of our attention from the older person's perspective. Then there are, of course, the more obvious challenges ahead of us, such as preserving Social Security, strengthening Medicare, and improving long-term care.

In the last 5 months alone, the Aging Committee has held hearings on a myriad of matters that are of vital concern to seniors. We have examined health care coverage for America's poorest seniors under Medicare Part D's low-income subsidy. We heard from the Vice Chairman of the Federal Reserve about the impact that millions of retiring baby boomers will have on our Nation's economy, and we learned about how best to retain and cater to the needs of older workers.

We have deliberated on the progress made by the nursing home industry over the last 20 years, as well as what currently needs to be done about the most neglectful, decrepit homes. Our investigative unit has shone a bright light on the shameful, deceptive sales tactics employed by certain providers of private Medicare Advantage plans.

We have put forth compelling evidence for the continuation of SeniorCare, Wisconsin's highly efficient drug coverage program, in spite of the administration's desire to terminate it. And, I couldn't be more pleased to say, we worked with the rest of the Wisconsin delegation and in collaboration with Governor Jim Doyle to find a legislative fix to save SeniorCare, extending the program through December 31, 2009.

As demonstrated by the work I have described, it is easy to see that protecting seniors—whether from fraud, poverty, or mistreatment—is a priority for the Aging Committee. However, it is also our priority to enable them. Though older Americans are often considered to be a vulnerable segment of the population, in many ways senior citizens strengthen our society. America's seniors have had decades to master skills and garner accomplishments, often rendering them our best leaders and innovators. A lot of them are out in the forefront of professional fields, staying active within community and family life in various capacities, and leading by example.

The aging of America will affect every part our society, and it will touch every family in decades to come. We reap the benefits of the continued contributions of older Americans, and in return they deserve the best quality of life our Nation can afford them.

ADDITIONAL STATEMENTS

HONORING MARK STEPHENS

• Mr. AKAKA. Madam President, as chairman of the Federal Workforce Subcommittee, I would like to recognize a milestone in the career of a dedicated and committed public servant. Mark Stephens, an attorney with the Postal Regulatory Commission's Office of General Counsel, is retiring after a 33-year career. He joined the former Postal Rate Commission in 1974, and participated in the analysis and review of numerous postal rate, classification, and complaint cases.

Mark proudly notes that he started his Federal service career as a letter carrier for the old Post Office Department where he worked for three months during the summer of 1968. During his long tenure with the Commission, Mark also served in the Office of Consumer Advocate.

Mark's colleagues point to his professionalism, analytical and writing ability, and character as the embodiment of the finest qualities of public service. His insights and thoughtful counsel made a substantial contribution to the Commission's successful fulfillment of its statutory responsibilities. Mark has been a valued colleague to those at the Commission and his retirement will leave a void that will be difficult to fill.

Upon leaving the Postal Regulatory Commission, Mark intends to spend more time with his family, but will likely continue to monitor the progress of the Postal Accountability and Enhancement Act of 2006 which significantly enhanced the authority of the PRC. Mark Stephens is a public servant who made a difference, and I wish him much future success.•

CONGRATULATING DETECTIVE STEVEN SILFIES

• Mr. BUNNING. Madam President, today I congratulate Detective Steven Silfies of Hopkinsville, KY. Detective Silfies was recently recognized as the ''2006 Trooper of the Year'' by the Kentucky State Police.

Detective Silfies is a 4-year veteran of the Kentucky State Police Force. He is assigned to Kentucky State Police Post 2 located in Madisonville, KY. Prior to joining the Kentucky State Police, Detective Silfies served more than two decades in the U.S. Army. This includes tours in both Afghanistan and Iraq. He also currently serves as de-facto liaison officer with personnel at Fort Campbell.

Detective Silfies truly exemplifies what it means to serve and protect the citizens of Kentucky. During the past year, Detective Silfies has played an integral role in the investigation of six murders. His devotion has led to two arrests in those investigations. Silfies also has played a prominent role in the solving of several cold cases. These include an arrest in a 27-year-old case of an out-of-State resident. Detective Silfies took a leading role in another cold case involving an out-of-State resident. This was a 13-year-old case in which Silfies uncovered overlooked evidence.

I congratulate Detective Silfies on this achievement. To be singled out among such a dedicated police force is truly an honor. He is an inspiration to the citizens of Kentucky and to dedicated police everywhere. I look forward to seeing all that he will accomplish in the future.

WOMEN'S TENNIS 2007 CHAMPIONS

• Mr. CHAMBLISS. Madam President, today I congratulate the Georgia Tech women's tennis team for winning the 2007 Women's NCAA Tennis Championship in Athens, GA.

The Georgia Tech women's tennis program celebrated its first NCAA title on May 22, 2007, with a 4–2 win over UCLA. The Yellow Jackets' win over UCLA marked its 21st straight match win, and they finished the season at 29–4.

I congratulate team members Amanda Craddock, Kristen Fowler, Whitney McCray, Amanda McDowell, Kirsti Miller, Tarryn Rudman, Alison Silverio, and Christy Striplin for their hard work and achievement. Additionally, I congratulate Alison Silverio on being named the tournament's Most Valuable Player. I further extend my thanks to the players' families and fans for continually supporting these outstanding young women throughout a long but

exciting tennis season. The team's success, undoubtedly, would not have been possible without the leadership of head coach Bryan Shelton, assistant coach Mariel Verban, and volunteer assistant coach Robin Stephenson.

Congratulations again to all of these young women for their accomplishment.●

MEN'S TENNIS 2007 CHAMPIONS

● Mr. CHAMBLISS. Madam President, I wish to congratulate the men's tennis team from my alma mater, the University of Georgia, for winning the 2007 NCAA Men's Tennis Championship in Athens, GA.

The Bulldogs defeated the University of Illinois 4 to 0 in the final round of play to capture their fifth men's NCAA national championship in front of a sold out crowd in Athens, leading to the school's 24th national title overall. The team entered the season ranked No. 1 in the country, and completed the season with a perfect 32 to 0 record, making them only the fifth men's tennis team in history to go undefeated.

As an alumnus of this great university, I am extremely proud and would like to congratulate team members Brad Benedict, Luis Flores, Travis Helgeson, Alex Hill, Jamie Hunt, Chris Motes, Nate Schnugg, Joshua Varela, Christian Vitulli, and Tri-Captains Ricardo Gonzalez, John Isner, and Matic Omerzel for their hard work and accomplishments. Additionally, I would like to congratulate Matic Omerzel on being named the tournament's Most Valuable Player. Undoubtedly, the team's successes would not have been possible without the guidance and encouragement from legendary head coach Manuel Diaz, assistant coach Will Glenn and graduate assistant athletic trainer Michael Neumann. This title is the third for the university under Coach Diaz, making him the only active coach with multiple NCAA championships.

Again, congratulations to the Georgia Bulldogs for their achievement.●

HONORING NORM MALENG

● Mrs. MURRAY. Madam President, today I celebrate the life and service of Norm Maleng, a deeply respected leader in my home State of Washington who served as King County Prosecutor since 1978.

Seattle, King County, and in fact the entire Pacific Northwest, lost one of our finest statesmen ever with his passing. Norm was known by everyone for his fairness and honesty. He was a thoughtful leader who helped guide our community through difficult times. Over the years, our community was rattled by the Wah Mee Massacre, the murder of the Goldmark family, and the Green River Cases. We all breathed easier knowing that Norm Maleng would handle the cases and that justice would be served.

To me, Norm Maleng was always the King County prosecutor. Norm held the position so long, and did his job so well, that it is hard for me to remember anyone else who held the job before him.

For all of us in public office, Norm was an icon. For me, despite our party differences, he was always a voice of reason and even-handedness. For everyone in King County, we knew that whatever issue came before him, he would handle it with integrity.

As an elected official, Norm Maleng was the best role model for all of us. He treated everyone equally and fairly. He approached every case and every challenge with wisdom and dignity. His voice will be missed. For me, he will always be the King County prosecutor.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submiffiiig a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:45 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 2316. An act to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes.

H.R. 2317. An act to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

S.J. Res. 14. Joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

MEASURE HELD AT THE DESK

The following measure was ordered held at the desk by unanimous consent:

S. 1532. An act to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2316. An act to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes.

H.R. 2317. An act to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1530. A bill to amend the Consumer Credit Protection Act, to protect consumers from inadequate disclosures and certain abusive practices in rent-to-own transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for himself, Mr. ALLARD, and Mr. SALAZAR):

S. 1531. A bill to amend the Internal Revenue Code of 1986 to provide incentives and extend existing incentives for the production and use of renewable energy resources, and for other purposes; to the Committee on Finance.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1532. A bill to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act; ordered held at the desk.

By Mr. VITTER:

S. 1533. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. BAYH):

S. 1534. A bill to hold the current regime in Iran accountable for its human rights record and to support a transition to democracy in Iran; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself and Mr. SCHUMER):

S. 1535. A bill to amend the Internal Revenue Code of 1986 and the Foreign Trade Zones Act to simplify the tax and eliminate the drawback fee on certain distilled spirits used in nonbeverage products manufactured in a United States foreign trade zone for domestic use and export; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1536. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself and Mrs. HUTCHISON):

S. 1537. A bill to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center; considered and passed.

By Mr. BIDEN:

S.J. Res. 15. A joint resolution to revise United States policy on Iraq; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY:

S. Con. Res. 34. A concurrent resolution expressing the sense of Congress that Congress and the President should increase basic pay for members of the Armed Forces; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 394

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 450

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 573

At the request of Ms. MURKOWSKI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 773

At the request of Mr. WARNER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1224

At the request of Mr. ROCKEFELLER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1337

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 1382

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1492

At the request of Mr. INOUYE, the names of the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1494

At the request of Mr. DORGAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1495

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1495, a bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes.

S. 1502

At the request of Mr. CONRAD, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1518

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. RES. 203

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. ALLARD, and Mr. SALAZAR):

S. 1531. A bill to amend the Internal Revenue Code of 1986 to provide incentives and extend existing incentives for the production and use of renewable energy resources, and for other purposes; to the Committee on Finance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Clean Renewable Energy and Economic Development Incentives Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—TAX INCENTIVES FOR ENERGY CONSERVATION AND EXPLORATION

SEC. 101. EXTENSION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT.

(a) IN GENERAL.—Paragraphs (1), (2), (3), (4), (5), (6), (7), and (9) of section 45(d) (relating to qualified facilities) are amended by striking ''January 1, 2009'' each place it appears and inserting ''January 1, 2019''.

(b) DEEMED PLACED-IN-SERVICE DATE FOR RENEWABLE ELECTRICITY FACILITIES.—Section 45(e) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) DEEMED PLACED-IN-SERVICE DATE FOR CERTAIN FACILITIES.—

''(A) IN GENERAL.—In the case of any facility described in paragraph (1), (2), (3), (4) (respect to geothermal energy), (5), (6), (7), or (9), for purposes of such paragraph, such facility shall be treated as being placed in service before January 1, 2019, if such facility is under construction before such date and is producing and selling electricity within 2 years after such date.

''(B) PERIOD OF CREDIT.—If a facility is treated as placed in service pursuant to subparagraph (A), the 10-year period referred to in subsection (a) shall be treated as beginning on January 1, 2019.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 102. EXTENSION AND MODIFICATION OF CLEAN RENEWABLE ENERGY BOND CREDIT.

(a) EXTENSION.—Subsection 54(m) (relating to termination) is amended by striking ''2008'' and inserting ''2018''.

(b) ANNUAL VOLUME CAP FOR BONDS ISSUED DURING EXTENSION PERIOD.—Paragraph (1) of subsection 54(f) (relating to national limitation) is amended to read as follows:

''NATIONAL LIMITATION.—

''(A) INITIAL NATIONAL LIMITATION.—With respect to bonds issued after December 31, 2005, and before January 1, 2009, there is a national clean renewable energy bond limitation of $1,200,000,000.

''(B) ANNUAL NATIONAL LIMITATION.—With respect to bonds issued after December 31, 2008, and before January 1, 2019, there is a national clean renewable energy bond limitation for each calendar year of $1,000,000,000.''.

(c) ALLOCATION BY SECRETARY.—Paragraph (2) of subsection 54(f) (relating to allocation by Secretary) is amended by striking '', except that the Secretary'' and inserting '', except that, in the case of bonds issued under paragraph (1)(A), the Secretary''.

(d) PUBLICITY REGARDING ALLOCATION OF CLEAN RENEWABLE ENERGY BONDS.—

(1) IN GENERAL.—Section 54 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) PUBLICITY REGARDING ALLOCATION OF CLEAN RENEWABLE ENERGY BONDS.—The Secretary shall prepare a report not later than 1 year after each allocation under subsection (f) to Congress, and make such report publicly available, which with respect to such allocation identifies the name of each applicant for such allocation, the name of the borrower (if other than the applicant), the type and location of the project that is the subject of such application, and the amount of the allocation under subsection (f) for such project in the event the project receives such an allocation.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications for allocations made after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 103. WATER CONSERVATION, REUSE AND EFFICIENCY BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new section:

''SEC. 54A. CREDIT TO HOLDERS OF WATER CONSERVATION, REUSE AND EFFICIENCY BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a water conservation, reuse and efficiency bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a water conservation, reuse and efficiency bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any water conservation, reuse and efficiency bond is the product of—

''(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

''(B) the outstanding face amount of the bond.

''(3) DETERMINATION.—For purposes of paragraph (2), with respect to any water conservation, reuse and efficiency bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of water conservation, reuse and efficiency bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term also includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over,

''(2) the sum of the credits allowable under this part (other than subpart C, section 1400N(l), and this section).

''(d) WATER CONSERVATION, REUSE AND EFFICIENCY BOND.—For purposes of this section—

''(1) IN GENERAL.—The term 'water conservation, reuse and efficiency bond' means any bond issued as part of an issue if—

''(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national water conservation, reuse and efficiency bond limitation under subsection (f)(2),

''(B) 95 percent or more of the proceeds of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

''(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

''(D) the issue meets the requirements of subsection (h).

''(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

''(A) IN GENERAL.—The term 'qualified project' means any rural water supply project (as defined in section 102(9) of the Rural Water Supply Act of 2006), owned by a qualified borrower, and which may include preparation and implementation of water conservation plans, development and deployment of water efficient products and processes, and xeriscaping projects consistent with that section.

''(B) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a water conservation, reuse and efficiency bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

''(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), a water conservation, reuse and efficiency bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

''(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a water conservation, reuse and efficiency bond,

''(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(D) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower or qualified issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a water conservation, reuse and efficiency bond.

''(e) MATURITY LIMITATIONS.—

''(1) DURATION OF TERM.—A bond shall not be treated as a water conservation, reuse and efficiency bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

''(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of subsection (l)(6) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national water conservation, reuse and efficiency bond limitation of $500,000,000 for each of the 10 calendar years beginning after the date of enactment of this section.

''(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate, except that the Secretary shall allocate the bond limitation for the financing of qualified projects in as geographically diverse a manner as practicable.

''(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)), and the amount so included shall be treated as interest income.

''(h) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

''(A) at least 95 percent of the proceeds of such issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the water conservation, reuse and efficiency bond,

''(B) a binding commitment with a 3rd party to spend at least 10 percent of the proceeds of such issue will be incurred within the 6-month period beginning on the date of issuance of the water conservation, reuse and efficiency bond or, in the case of a water conservation, reuse and efficiency bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

''(C) such projects will be completed with due diligence and the proceeds of such issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a water conservation, reuse and efficiency bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

''(j) MUNICIPAL WATER DISTRICT; QUALIFIED WATER SYSTEMS TAX CREDIT BOND LENDER; GOVERNMENTAL BODY; QUALIFIED BORROWER.—For purposes of this section—

''(1) MUNICIPAL WATER DISTRICT.—The term 'municipal water district' shall mean a nonprofit private or public entity operated for the purpose of implementing rural water supply projects (as defined in section 102(9) of the Rural Water Supply Act of 2006).

''(2) QUALIFIED WATER SYSTEMS BOND LENDER.—The term 'qualified water systems bond lender' means a lender which is a municipal water district or a public water system which is owned by a governmental body, and shall include any affiliated entity which is controlled by such lender.

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State, territory, or possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

''(4) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a qualified water systems bond lender,

''(B) a municipal water district, or

''(C) a governmental body.

''(5) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(A) a municipal water district, or

''(B) a governmental body.

''(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

''(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

''(3) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

''(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trusts corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(B) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or and corporation, rules similar to the rules under section 1397E(i) shall apply.

''(4) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any water conservation, reuse and efficiency bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a water conservation, reuse and efficiency bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

''(6) REPORTING.—Issuers of water conservation, reuse and efficiency bonds shall submit reports similar to the reports required under section 149(e).

''(m) TERMINATION.—This section shall not apply with respect to any bond issued after the tenth calendar year beginning after the date of the enactment of this section.''.

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON WATER CONSERVATION, REUSE AND EFFICIENCY BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the

purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENT.—The table of sections for subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

Sec. 54A. Credit to holders of water conservation, reuse and efficiency bonds.

(d) ISSUANCE OF REGULATIONS.—The Secretary of the Treasury shall issue regulations required under section 54A (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) REPORT ON USE OF BOND AUTHORITY.—On April 1, 2008, and annually thereafter, the Secretary of Treasury shall submit a report to Congress including the number of applications for bonding authority received, granted and identifying the purposes and expected effects of projects supported by the bonding authority in the previous calendar year.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 104. CREDIT FOR GEOTHERMAL EXPLORATION EXPENDITURES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45O. CREDIT FOR GEOTHERMAL EXPLORATION EXPENDITURES.

''(a) IN GENERAL.—For purposes of section 38, the geothermal exploration expenditures credit for any taxable year is an amount equal to 10 percent of the qualifying geothermal exploration expenditures paid or incurred by the taxpayer during such taxable year.

''(b) QUALIFYING GEOTHERMAL EXPLORATION EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying geothermal exploration expenditures' means expenditures for drilling exploratory wells for geothermal deposits (as defined by section 613(e)(2)).

''(2) EXCEPTION.—Such term shall not include expenditures for any equipment used to produce, distribute, or use energy derived from a geothermal deposit (as so defined) for which a credit is allowable under section 46 by reason of section 48.

''(c) SPECIAL RULES.—

''(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowed under this section shall be reduced by the amount of the credit so allowed.

''(2) DENIAL OF DOUBLE BENEFIT.—No deduction or credit (other than under section 45) shall be allowed under this subtitle with respect to any expenditures for which a credit is allowed under this section.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) the geothermal exploration expenditures credit determined under section 45O(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45N the following new item:

''Sec. 45O. Credit for geothermal exploration expenditures.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made in taxable years beginning after the date of the enactment of this Act.

SEC. 105. CREDIT FOR WIND ENERGY SYSTEMS.

(a) RESIDENTIAL.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (A) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $5,000) of qualifying wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified wind energy property expenditure' means an expenditure for property which uses a qualifying wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFYING WIND TURBINE.—The term 'qualifying wind turbine' means a wind turbine of 100 kilowatts of rated capacity or less which meets the latest performance rating standards published by the American Wind Energy Association and which is used to generate electricity and carries at least a 5-year limited warranty covering defects in design, material, or workmanship, and, for property that is not installed by the taxpayer, at least a 5-year limited warranty covering defects in installation.''.

(b) BUSINESS.—Section 48(a)(3)(A) (defining energy property) is amended by striking ''or'' at the end of clause (iii), by adding ''or'' at the end of clause (iv), and by inserting after clause (iv) the following new clause:

''(v) qualifying wind turbine (as defined in section 25D(d)(B)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 106. EXTENSION AND MODIFICATION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION.—Subsection (g) of section 45L (relating to termination) is amended by striking ''2008'' and inserting ''2013''.

(b) INCREASE OF CREDIT.—Paragraph (2) of subsection 45L(a) (relating to applicable amount) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to, in the case of a dwelling unit described in—

''(A) subsection (c)(1), $4,000,

''(B) subsection (c)(2), $2,000, and

''(C) subsection (c)(3), $1,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified new energy efficient homes acquired after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 107. INVESTMENT TAX CREDIT FOR ADVANCED BATTERY PRODUCTION.

(a) IN GENERAL.—Section 48(a)(3)(A) is amended—

(1) by striking ''or'' at the end of clause (iii),

(2) by inserting ''or'' at the end of clause (iv), and

(3) by inserting after clause (iv) the following new clause:

''(v) equipment used to produce at least 75 percent of any advanced battery and related power electronics intended for use in—

''(I) any qualified electric vehicle (as defined in section 30(c)(1)(A)) or new qualified hybrid motor vehicle (as defined in section 30B(d)(3)(A), without regard to clauses (v) and (vi) thereof), or

''(II) any grid-enabled or distributed residential or small commercial application,''.

(b) RATE OF ENERGY PERCENTAGE.—Section 48(a)(2)(A) is amended—

(1) by striking ''and'' at the end of clause (i)(III),

(2) by striking ''clause (i)'' in clause (ii) and inserting ''clause (i) or clause (ii)'',

(3) by redesignating clause (ii) as clause (iii), and

(4) by inserting after clause (i) the following new clause:

''(ii) 20 percent in the case of energy property described in paragraph (3)(A)(v), and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 108. QUALIFIED RENEWABLE SCHOOL ENERGY BONDS.

(a) IN GENERAL.—Subchapter U of chapter 1 (relating to incentives for education zones) is amended by redesignating section 1397F as section 1397G and by adding at the end of part IV of such subchapter the following new section:

''SEC. 1397F. QUALIFIED RENEWABLE SCHOOL ENERGY BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified renewable school energy bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified renewable school energy bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified renewable school energy bond is the product of—

''(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

''(B) the outstanding face amount of the bond.

''(3) DETERMINATION.—For purposes of paragraph (2), with respect to any qualified renewable school energy bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of qualified renewable school energy bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term also includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a

credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits, subpart H thereof, section 1400N(l), and this section).

''(d) QUALIFIED RENEWABLE SCHOOL ENERGY BOND.—For purposes of this section—

''(1) IN GENERAL.—The term 'renewable school energy bond' means any bond issued as part of an issue if—

''(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified school operated by an eligible local education agency,

''(B) the bond is issued by a State or local government of an eligible State within the jurisdiction of which such school is located,

''(C) the issuer—

''(i) designates such bond for purposes of this section, and

''(ii) certifies that it has the written approval of the eligible local education agency for such bond issuance, and

''(D) the term of each bond which is part of such issue is 20 years.

''(2) QUALIFIED SCHOOL.—The term 'qualified school' means any public school or public school system administrative building which is owned by or operated by an eligible local education agency.

''(3) ELIGIBLE LOCAL EDUCATION AGENCY.—The term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

''(4) ELIGIBLE STATE.—The term 'eligible State' means, with respect to any calendar year, any State described in one of the following:

''(A) The 5 States within Region 4 of the United States Census with the greatest percentage population growth change between 2000 and 2006 as determined under the Cumulative Estimates of Population Change for the United States and States, and for Puerto Rico—April 1, 2000 to July 1, 2006, by the Bureau of the Census.

''(B) The State with a total percentage population growth change between 2000 and 2006 greater than 4.5 percent but less than 5.0 percent and a total population 19 years of age and younger which is greater than 200,000 but less than 250,000 as determined under such Cumulative Estimates and the 2005 American Community Survey by the Bureau of the Census.

''(5) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified school, the purchase and installation of renewable energy products.

''(e) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national renewable school energy bond limitation for each calendar year. Such limitation is $50,000,000 for 2008, $100,000,000 for 2009, $150,000,000 for 2010, and, except as provided in paragraph (4), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—The national renewable school energy bond limitation for a calendar year shall be allocated by the Secretary—

''(A) among the eligible States described in subsection (d)(4)(A), 30 percent to the State with the greatest percentage population growth, 20 percent to each of second and third ranked States, and 10 percent to each of the fourth and fifth ranked States, and

''(B) to the State described in subsection (d)(4)(B), 10 percent.

The limitation amount allocated to an eligible State under the preceding sentence shall be allocated by the State education agency to qualified schools within such State.

''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any qualified school shall not exceed the limitation amount allocated to such school under paragraph (2) for such calendar year.

''(4) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(A) the limitation amount for any eligible State, exceeds

''(B) the amount of bonds issued during such year which are designated under subsection (d)(1) with respect to qualified schools within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

''(f) OTHER DEFINITIONS.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)).

''(h) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified renewable school energy bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person which, on the credit allowance date, holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified renewable school energy bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''(i) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this section shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

''(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules under paragraphs (3) and (4) of section 54(l) shall apply.''.

(b) CONFORMING AMENDMENTS.—The table of sections for part V of such subchapter is amended by redesignating section 1397F as section 1397G and by adding at the end of the table of sections for part IV of such subchapter the following new item:

''Sec. 1397F. Credit for holders of qualified renewable school energy bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 109. TREATMENT OF BONDS ISSUED TO FINANCE RENEWABLE ENERGY RESOURCE FACILITIES.

(a) IN GENERAL.—Subsection (a) of section 142 (relating to exempt facility bond) is amended—

(1) by striking ''or'' at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting '', or'', and

(3) by inserting at the end the following new paragraph:

''(16) renewable energy resource facilities.''.

(b) DEFINITION.—Section 142 is amended by inserting at the end the following new subsection:

''(n) RENEWABLE ENERGY RESOURCE FACILITIES.—For purposes of subsection (a)(16)—

''(1) IN GENERAL.—The term 'renewable energy resource facility' means any facility used to produce electric or thermal energy (including a distributed generation facility) from—

''(A) wind energy,

''(B) closed-loop biomass (within the meaning of section 45(c(2)),

''(C) open-loop biomass (as defined in section 45(c)(3),

''(D) geothermal energy (as defined in section 45(c)(4),

''(E) solar energy,

''(F) land fill gas derived from the biodegradation of municipal solid waste (as defined in section 45(c)(6),

''(G) incremental hydropower production (as determined under section 45(c)(8)(B), or

''(H) ocean energy.

''(2) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.''.

(c) COORDINATION WITH SECTION 45.—Section 45(b)(3) is amended by adding at the end the following new sentence: ''For purposes of this paragraph, proceeds of an issue used to provide financing for any qualified facility by reason of section 142(a)(16) shall not be taken into account under subparagraph (A)(ii).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to bonds issued on or after the date of the enactment of this Act.

TITLE II—INVESTMENT TAX CREDIT WITH RESPECT TO SOLAR ENERGY PROPERTY AND MANUFACTURING

Subtitle A—Solar Energy Property

SEC. 201. ENERGY CREDIT WITH RESPECT TO SOLAR ENERGY PROPERTY.

(a) PERMANENT EXTENSION OF CREDIT FOR SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to the energy credit) are each amended by striking ''but only with respect to periods ending before January 1, 2009''.

(b) ENERGY PROPERTY TO INCLUDE EXCESS ENERGY STORAGE DEVICE.—Clause (i) of section 48(a)(3)(A) (relating to energy property) is amended to read as follows:

''(i) equipment which uses solar energy to generate electricity, to heat or cool (or provide hot water for use in) a structure, or to provide solar process heat, or advanced energy storage systems installed as an integrated component of the foregoing, excepting property used to generate energy for purposes of heating a swimming pool,''.

(c) ADDITIONAL MODIFICATIONS.—

(1) SOLAR ELECTRIC ENERGY PROPERTY CREDIT DETERMINED SOLELY BY KILOWATT CAPACITY.—

(A) IN GENERAL.—Subsection (a) of section 48 (relating to the energy credit) is amended by redesignating paragraph (4) as paragraph

(5) and by inserting after paragraph (3) the following new paragraph:

''(4) SPECIAL RULE FOR ENERGY CREDIT FOR SOLAR ELECTRIC ENERGY PROPERTY.—

''(A) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year for solar electric energy property described in paragraph (3)(A)(i) which is used to generate electricity and which is placed in service during the taxable year is $1,500 with respect to each half kilowatt of direct current of installed capacity of such property. Paragraph (2)(A) shall not apply to property to which the preceding sentence applies.

''(B) APPLICATION OF SPECIAL RULES FOR REHABILITATED OR SUBSIDIZED PROPERTY.—Rules similar to the rules of paragraphs (2)(B) and (5) shall apply to property to which this paragraph applies.''.

(B) CONFORMING AMENDMENTS.—Subsection (a) of section 48 is amended—

(i) in paragraph (1), by inserting ''in paragraph (4) and'' after ''except as provided'', and

(ii) in paragraph (2)(A)(i)(II), by striking ''described in paragraph (3)(A)(i)'' and inserting ''which is described in paragraph (3)(A)(i) and to which paragraph (4) does not apply''.

(d) CREDIT ALLOWED AGAINST THE ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B) (relating to specified credits) is amended by—

(1) striking ''and'' at the end of clause (i),

(2) striking the period at the end of clause (ii)(II) and inserting '', and'', and

(3) adding at the end the following new clause:

''(iii) the portion of the investment credit under section 46(2) which is determined under clauses (i) and (ii) of section 48(a)(3)(A).''.

(e) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods after December 31, 2007, in taxable years beginning after such date, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 202. REPEAL OF EXCLUSION FOR SOLAR AND GEOTHERMAL PUBLIC UTILITY PROPERTY UNDER ENERGY CREDIT.

(a) IN GENERAL.—The second sentence of section 48(a)(3) is amended by inserting ''(other than property described in clause (i) or (iii) of subparagraph (A))'' after ''any property''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods after December 31, 2007, in taxable years beginning after such date, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 203. PERMANENT EXTENSION AND MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) PERMANENT EXTENSION.—Section 25D is amended by striking subsection (g) (relating to termination).

(b) SOLAR ELECTRIC PROPERTY.—Paragraph (1) of section 25D(a) (relating to allowance of credit) is amended by striking ''30 percent of''.

(c) MODIFICATION OF MAXIMUM CREDIT.—Paragraph (1) of section 25D(b) (relating to limitations) is amended to read as follows:

''(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year shall not exceed—

''(A) $1,500 with respect to each half kilowatt of direct current of installed capacity of qualified solar electric property for which qualified solar electric property expenditures are made,

''(B) $2,000 with respect to any qualified solar heating and cooling property expenditures, and

''(C) $500 with respect to each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) for which qualified fuel cell property expenditures are made.''.

(d) DEFINITION OF QUALIFIED SOLAR HEATING AND COOLING PROPERTY EXPENDITURE.—

(1) IN GENERAL.—Paragraph (1) of section 25D(d) (relating to definitions) is amended to read as follows:

''(2) QUALIFIED SOLAR HEATING AND COOLING PROPERTY EXPENDITURE.—The term 'qualified solar heating and cooling property expenditure' means an expenditure for property to heat or cool (or provide hot water for use in) a dwelling unit located in the United States and used as a residence by the taxpayer if at least half of the energy used by such property for such purpose is derived from the sun. Such term shall not include an expenditure which is a qualified solar electric property expenditure.''.

(2) CONFORMING AMENDMENTS.—Section 25D (relating to residential energy efficient property) is amended—

(A) by striking ''solar water heating'' in subsections (a)(2) and (e)(4)(A)(ii) and inserting ''solar heating and cooling'', and

(B) by striking the heading for subsection (b)(2) and inserting the following new heading: ''(2) CERTIFICATION OF SOLAR HEATING AND COOLING PROPERTY.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 25D(b) (relating to limitations), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(3) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section) and section 27 for the taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 25D (relating to carryforward of unused credit) is amended to read as follows:

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(3) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(B) Section 23(b)(4)(B) (relating to limitation based on amount of tax) is amended by inserting ''and section 25D'' after ''this section''.

(C) Section 24(b)(3)(B) (relating to limitation based on amount of tax) is amended by striking ''sections 23 and 25B'' and inserting ''sections 23, 25B, and 25D''.

(D) Section 26(a)(1) (relating to limitation based on amount of tax) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made in taxable years beginning after December 31, 2007.

SEC. 204. 3-YEAR ACCELERATED DEPRECIATION PERIOD FOR SOLAR ENERGY PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) (relating to 3-year property) is amended—

(1) by striking ''and'' at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting a comma, and

(3) by inserting after clause (iii) the following new clauses:

''(iv) any property which is described in clause (i) or (ii) of section 48(a)(3)(A) (or would be so described if the last sentence of such section did not apply to such clause), and

''(v) any property which is described in clause (iv) of section 48(a)(3)(A).''.

(b) CONFORMING AMENDMENT.—Subclause (I) of section 168(e)(3)(B)(vi) (relating to 5-year property) is amended to read as follows:

''(I) would be described in subparagraph (A) of section 48(a)(3) if 'wind energy' were substituted for 'solar energy' in clause (i) thereof and the last sentence of such section did not apply to such subparagraph,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

Subtitle B—Promotion of Solar Manufacturing in the United States

SEC. 211. SOLAR MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48B the following new section:

''SEC. 48C. SOLAR MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—For purposes of section 46, the solar manufacturing credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year to re-equip, expand, or establish an eligible manufacturing facility—

''(A) to produce polysilicon for use in solar cells, wafers manufactured for solar cells, and solar photovoltaic cells,

''(B) to produce or assemble solar photovoltaic modules,

''(C) to produce or assemble solar thermal panels and solar thermal storage tanks, or

''(D) to produce concentrated solar power equipment.

''(2) EXCEPTIONS.—The qualified investment for any taxable year shall not include—

''(A) assets utilized to produce the materials consumed in the production of solar photovoltaic modules, such as aluminum extrusions, glass, encapsulants, inverters, and mounting hardware, and

''(B) assets utilized to produce the materials consumed in the production of solar thermal panels, such as aluminum extrusions, glass, copper, and mounting hardware.

''(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE MANUFACTURING FACILITY.—The term 'eligible manufacturing facility' means any manufacturing facility for which more than 50 percent of the gross receipts for the taxable year are derived from sales of solar equipment.

''(2) SOLAR PHOTOVOLTAIC CELL.—The term 'solar photovoltaic cell' means the semiconductor device which converts photons from light into electricity.

''(3) SOLAR PHOTOVOLTAIC MODULE.—The term 'solar photovoltaic module' means an assembly of multiple interconnected solar photovoltaic cells that are sized and packaged for installation and deployment in a specific application.''.

(b) CREDIT TREATED AS PART OF INVESTMENT CREDIT.—Section 46 (relating to amount of credit) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and

inserting '', and'', and by adding at the end the following new paragraph:

''(5) the solar manufacturing credit.''.

(c) CERTAIN NONRECOURSE FINANCING EXCLUDED FROM CREDIT BASE.—Section 49(a)(1)(C) (defining credit base) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the basis of any property which is part of the solar manufacturing credit under section 48C.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2007, in taxable years beginning after such date, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

By Mrs. FEINSTEIN:

S. 1536. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I offer private immigration relief legislation to provide lawful permanent residence status to Jose Alberto Martinez Moreno and Micaela Lopez Martinez and their daughter, Adilene Martinez; Mexican nationals now living in San Francisco, California.

This family embodies the true American success story and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Mr. Martinez came to the United States 20 years ago from Mexico. He started working as a busboy in restaurants in San Francisco. In 1990, he began working as a cook at Palio D'Asti, an award winning Italian restaurant in San Francisco.

According to the people who worked with him, he ''never made mistakes, never lost his temper, and never seemed to sweat.''

Over the past 20 years, Jose Martinez has worked his way through the ranks. Today, he is the sous chef at Palio, where he is respected by everyone in the restaurant, from dishwashers to cooks, busboys to waiters, bartenders to managers.

Mr. Martinez has unique skills: he is an excellent chef; he is bilingual; he is a leader in the workplace. He is described as ''an exemplary employee'' who is not only ''good at his job, but is also a great boss to his subordinates.''

He and his wife, Micaela, have made a home in San Francisco. Micaela has been working as a housekeeper. They have three daughters, two of whom are United States citizens. Their oldest child Adilene, 19, is undocumented. Adilene recently graduated from the Immaculate Conception Academy and hopes to attend college.

One of the most compelling reasons for allowing the family to remain in the United States is that they are eligible for a green card. Unfortunately, there is such a backlog for green cards right now that even though he has a work permit, owns a home in San Francisco, works two jobs, and has been in the United States for 20 years with a clean record, he and his family will be deported.

Mr. Martinez and his family have applied unsuccessfully for legal status several ways:

In 2000, Mr. and Mrs. Martinez filed for political asylum. Their case was denied and a subsequent application for a Cancellation of Removal was also denied because the immigration court judge could not find ''requisite hardship'' required for this relief.

Ironically, the immigration judge who reviewed their case found that Mr. Martinez's culinary ability was a negative factor, as it indicated that he could find a job in Mexico.

In 2001, his sister, who has legal status, petitioned for Mr. Martinez to get a green card. Unfortunately, because of the current green card backlog, Mr. Martinez has several years to wait before he is eligible for a green card.

Finally, Daniel Scherotter, the executive chef and owner of Palio D'Asti, has petitioned for legal status for Mr. Martinez based on Mr. Martinez's unique skills as a chef. Although Mr. Martinez's work petition was approved by U.S. Citizenship and Immigration Services, there is a backlog on these visas, and Mr. Martinez is on a waiting list for a green card through this channel, as well.

Mr. and Mrs. Martinez have no other administrative options available to them at this point and if deported, they will face a 5 to 10 year ban from returning to the United States.

The Martinez family has become an important and valued part of their community. They are active members of their church, their children's school, and Comite de Padres Unido, a grassroots immigrant organization in California.

They volunteer extensively, advocating for safe new parks in the community for the children, volunteering at their children's school, and working on a voter registration campaign, even though they are unable to vote themselves.

In fact, I have received 46 letters of support from teachers, church members, and members of their community who attest to their honesty, responsibility, and long-standing commitment to their community. Their supporters include San Francisco Mayor Gavin Newsom; former Mayor Willie Brown; President of the San Francisco Board of Supervisors, Aaron Peskin; and the Director of Immigration Policy at the Immigrant Legal Resource Center, Mark Silverman.

This family has truly embraced the American dream. I believe their continued presence in our country would do so much to enhance the values we hold dear. Enactment of the legislation I have introduced today will enable the Martinez family to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill.

I ask unanimous consent that my statement, the letters of community support, and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e), 1153(a)), as applicable.

OFFICE OF THE MAYOR,
CITY AND COUNTY OF SAN FRANCISCO,
April 20, 2007.

Hon. DIANE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I write to express my unequivocal support for your efforts to assist Jose Alberto Martinez and his family regarding immigration challenges that they currently face.

As you know, Mr. Martinez is a key employee of the highly regarded Palio d'Asti Restaurant here in San Francisco. His current occupation as a Sous Chef at Palio d'Asti is part of a career that spans 20 years in the San Francisco restaurant industry. Mr. Martinez is a San Francisco homeowner with a wife and three children. By all accounts he is a model resident and contributing community member. He exemplifies the hardworking immigrant communities that have made San Francisco what it is over the last 150-plus years.

I understand that despite Mr. Martinez's sponsorship through the PERM program, and his history as a law-abiding taxpayer in our community, he and his wife face a deportation order. I believe that this order not only threatens the future of his family, but negatively impacts our local restaurant industry and Mexican-American community. I therefore thank you for your efforts to what you can to help allow Mr. Martinez and his family to remain in San Francisco, working hard to achieve the American dream while contributing to our community.

Should you have any questions about this letter, please contact my Director of Government Affairs, Wade Crowfoot at 415–554–6640.

Sincerely,

GAVIN NEWSOM.

SAN FRANCISCO, CA,
April 19, 2007.

Hon. DIANE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I write to you to voice my support for Jose Alberto Martinez, Sous Chef of the well established Palio d'Asti Restaurant. Like thousands of San Franciscans and visitors to San Francisco, I have eaten food he has prepared for the last 20 years, Jose has supported the top Chefs, and fed hundreds of thousands of diners, in San Francisco primarily at Stars and Palio d'Asti (though also at the Orchard and Omni hotels) and has maintained a spotless record. Jose runs the kitchen with an even-hand and touch of class. Jose is also a San Francisco homeowner with his wife and their three children.

Jose's boss, Daniel Scherotter, Palio's longtime chef and Gianni Fassio, the former owner of Palio, have alerted me that this pillar of the restaurant community is facing an imminent deportation order.

Fassio and Scherotter worked with Jose through the PERM Program to get him a work visa, proving that Jose was an integral, irreplaceable part of their business. I would maintain that Jose is exactly the kind of hardworking immigrant that has always been the bedrock of San Francisco and its restaurant community. Please, I urge you to do anything in your power to help keep Jose and his family together here in San Francisco. Please intervene on Jose's behalf in order to let him stay in line for a green card and not be deported.

Sincerely,

WILLIE L. BROWN, Jr.

BOARD OF SUPERVISORS,
CITY AND COUNTY OF SAN FRANCISCO,
San Francisco, April 18, 2007.

Hon. DIANNE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I am writing in support of Jose Alberto Martinez, the longtime Sous Chef of Palio d'Asti Restaurant, one of the largest and best known restaurants in my district. Palio has been an exemplary restaurant, both under previous owner Gianni Fassio, and under the chef who eventually bought him out, Daniel Scheratter. Jose makes it possible for Mr. Scherotter to represent his industry in his position as Vice Plesident of the Golden Gate Restaurant Association.

Mr. Scherotter has brought it to my attention that, despite Fassio's and Scherotter's successful sponsorship for a work permit under the PERM program, and despite a clean record as a lawabiding taxpayer, home owner and family man, Mr. Martinez and his wife are facing a deportation order. I respectfully urge you to do anything possible to help Mr. Martinez stay with his three children, contribute to the economy and the restaurant industry, and continue to live the American Dream,

Sincerely,

AARON PESKIN,
President.

APRIL 19, 2007.

Hon. DIANE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: Jose Alberto Martinez has worked for me at Palio d'Asti Restaurant as my Sous Chef for over six years. He is my right hand in every way. He always comes to work on time and ready to enjoy getting his job done well, I need only teach him something once, and he gets it, never making the same mistake twice. None of this comes as a surprise, to me though, because I worked with him as a cook here at Palio 13 years ago. When I needed a Sous Chef to run the kitchen at night, I made one phone call, to Jose.

Jose started working as a cook at Palio in 1990, when it opened. I came along as a cook climbing up the ladder after working in Italy in the fall of 1994, and stayed for a year and a half. Jose and his brother Mauricio were the pillars of dinner service. The nights I got to work with both of them were lessons in how professional cooks cook. Jose never made mistakes, never lost his temper, and never seemed to sweat or really even move. I thought I knew everything and talked about it, but I could never reach the pure, silent efficiency of motion that Jose embodied. At night, the Sous Chef never even had to come into the kitchen, because he had the dream team in charge. About a year after I started, the owner, Gianni Fassio, had bypass surgery, and decided to close dinner service. Jose and I had to leave to move on and up, elsewhere.

In the late summer of 1999, I was working at the Kimpton Group as an Executive Chef and General Manager at Puccini and Pinetti, when Mr. Fassio approached me about coming back to Palio, this time as the Executive Chef. He was having mangement problems, which translate into cost and quality problems. The hardest part about running a restaurant or any business for that matter, is finding good management. I had to fire 3 sous chefs upon arrival for blatant incompetence, dishonesty, sexual harassment, bad cooking, alcohol abuse and any number of other sins.

I tried a couple of classically trained Ameican Sous Chefs with extensive education and experience, but one thing after another would pop up—alcoholism, lack of common sense, inability to handle pressure or criticism, big egos, inability to communicate with, train or maintain staff, and I can go on. I thought about what I needed: a great cook, a leader, someone who spoke English and Spanish, someone who could learn and take constructive criticism, someone who would represent what I wanted on the plate and in person when I was elewhere, So I called Jose.

It took time, Jose was working for a very well respected French Chef as a cook. I offered him more money and a management title, but since dinner had closed on him before, he didn't know if the restaurant would be around for long. He didn't want to bite off more than he could chew, as he was very comfortable slaving away cooking and had never been truly responsible before. Jose is all about stability, which has made my life a dream since he finally started.

I taught Jose how to order all of the meat, poultry, and fish and produce every night, taking into account the reservations, historical sales figures, catering, parties, prices and seasonality. He maintains a tight ship with single digit turnover on his shift. His staff worships him and his food is flawless. His ordering is precise, and he has learned to think the way I think. Jose dwells in the details and makes sure that everything is done right. When he started, he told me that no matter what, if he did something wrong, that he wanted me to tell him rather than be upset. That being said, the things I have ever needed to correct him on cumulatively amount to a hill of beans. He cooks a station or two at a time, manages the other employees, the inventory and the ordering while still supporting a family, another job and a sense of humor. He has made it possible for me to buy out Gianni Fassio and start out in business for myself.

My goal is to make Jose into my chef, as I use this restaurant as a mother ship to open other restaurants in the city. He's helped me bring his brother Mauricio, the other half of the dynamic duo back to Palio, and with them there, I can feel comfortable growing our business. I need Jose and this restaurant needs Jose. I want to take him to Italy so he can see how it is over there, and so his vision is not just mine. but also authentic in its own right. When he gets enough money together to open his own restaurant, I will invest in it without hesitation because sure things are hard investments to come by and Jose Alberto Martinez is a sure thing.

I am willing to do anything to keep Jose here and happy. He is the best possible person to run my business at night, and eventually, I believe, all day. He has worked hard and played by the rules since he got here 20 years ago. He is a homeowner in San Francisco and a saint, respected by everyone in the restaurant, from dishwashers to cooks, busboys to waiters, bartenders to managers. He is well on his way to reaching the American dream, and I can't think of anyone who deserves it more, I implore you to appreciate what this man means to me and to Palio.

Please tell me any way that I can help Jose stay here in San Francisco as a part of the Palio d'Asti family.

DANIEL H. SCHEROTTER,
Chef, Owner, Palio d'Asti and Palio Paninoteca,
Vice President, Golden Gate Restaurant Association.

SAN FRANCISCO
UNIFIED SCHOOL DISTRICT,
San Francisco, CA, April 19, 2007.

SENATOR DIANE FEINSTEIN: I am writing this letter in support of the family of Micaela and Jose Alberto Martinez and their three daughters, Adelina, Jasmine and Karla Martinez.

I've known Micaela and Jose Alberto Martinez and their three sweet and well mannered daughters Adelina, Jasmine and Karla Martinez who have been at different times in our child development program for the past sixteen years. Each daughter has been enrolled in my class. During this time, Micaela and Jose Alberto have aided our program by volunteering in many ways

They have translated for our Spanish speaking parents during our Center parent meetings. Mr. and Mrs. Martinez have donated gifts toward our center program fundraisers which have helped to make them a great success, raising funds to support class field trips around the Bay area and to purchase additional materials and supplies for the classroom. They have also helped to chaperone these field trips.

Micaela and Jose Alberto Martinez are outstanding parents who are supportive to their family, their community and to our educational system.

Please give all positive consideration to this deserving family.

Repectfully,

CLAREE LASH-HAYNES,
Lead Teacher.

IRISH IMMIGRATION PASTORAL CENTER,
San Francisco, CA, April 18, 2007.

Re Jose Alberto Martinez Moreno.

DEAR SENATOR FEINSTEIN: As Director of the Irish Immigration Pastoral Center in San Francisco, I am writing in support of Jose and Micaela Martinez who reside in the Bay Area. Jose and Micaela are both citizens of Mexico and have made every attempt to regularize their status during their time in the United States. He and his wife have made a life for themselves here in the Bay Area and indeed, have given birth to two of their children here.

Jose and Micaela have been part of the Irish community for over ten years and are well known and respected within our community. They are known as decent, hard working, dedicated people—both to their employers and to their family. They have given their three children every opportunity that they themselves did not have. Both he and his wife are assets to our community.

Mr. Martinez has indeed realized his own part of the American Dream, working his way from dishwasher to Sous Chef at the renowned Palio d'Asti restaurant in San Francisco. Commitment, dedication and sheer hard work have enabled them to buy their own home in San Francisco, a feat by anyone's standards. They are the epitome of what it means to be American.

If Jose and Micaela are forced to leave the United States, yet another family will be torn apart. Their three children, aged 10, 14 and 17, will remain in San Francisco as there is nothing for them in Mexico—they have never even been to Mexico. They will grow up without the love, guidance and nurture of their parents—a dire loss to any young persons life.

The Irish Immigration Pastoral Center, which provides assistance to Irish immigrants in the Bay Area, would be greatfull if You could look favorably on Mr. and Mrs. Martinez in their request to remain in the United States.

Yours sincerely,

CELINE KENNELLY,
Executive Director.

APRIL 18, 2007.

TO WHOM IT MAY CONCERN: I have known Jose Alberto Martinez and his wife Micaela since 1991 when Jose and his brother Maricio worked as cooks under my supervision at Palio d'Asti Resturant in San Francisco, We worked together for approximately three years.

Jose proved himself to be an extremely talented and responsible cook, anchoring the kitchen with little or no supervision. While working for us at Palio, he also held down part time jobs at some of the Bay Area's other top restaurants in order to learn more and move ahead. And although we didn't interact socially, I know he was an active leader active in his church and prioritized time with his family.

Jose's hard work and commitment to his family, his community and his job make him ideal candidate for U.S. citizenship. Whether as an immigrant or a citizen, Jose Martinez is an upstanding member of our community,

If you have any question regarding Jose Martinez, please call me.

Sincerely,

CRAIG STALL,
Proprietor, Delfina Restuarant.

KELLY'S FAMILY DAYCARE,
San Francisco, CA, April 18, 2007.

Re Michela and Jose Alberto Martinez.

DEAR SIR/MADAM: Michela Martinez has worked for my family for many years as our housekeeper. I have come to know Michela very well over the course of this time.

She is a very hardworking, diligent and considerate woman who has a wonderful nature and fantastic work ethic. She has always had a key to our home and we trust her with our property and our children as well.

Jose Martinez has worked for my husband as a painting subcontractor and is held in high esteem as well.

I have no reservations about giving this couple a reference and wish them the best wishes and speedy resolution of their immigration issues. Do not hesitate to contact me if you require further assistance.

Yours Faithfully,

KELLY FORDE.

ST. PHILIP'S CHURCH,
San Francisco, CA, April 18, 2007.

Senator DIANE FEINSTEIN,
U.S. Senate,
Washington, DC.

Re Micaela & Jose Martinez.

DEAR SENATOR FEINSTEIN: I am writing on behalf of Jose Alberton Martinez Moreno and his wife, Micaela, in support of their voluntary departure and impending order of deportation. Jose and Micaela are members of St. Peter's parish and their kindness to the less fortunate is well known in the Irish community.

It was with great dismay that I heard of Jose and Micaela's uncertain future in America. Jose and Micaela have lived in San Francisco for almost twenty years and have raised their three children here, two of whom are U.S. born. They are a dedicated and loving couple and deserve the opportunity to continue to give to the community that has welcomed them so warmly. I know Micaela personally and I know that it would be a very great and excessive burden for her to leave her young family behind in California—there is nothing for them in Mexico. As a priest, I see far too much hurt, when parents are separated from their children.

My thoughts and prayers are with Jose and Micaela and their family during this difficult time of uncertainty. I would ask that you look favorably on their situation and be compassionate to a family that wants to make America its home.

Please do not force them to separate and cause the destruction of this family.

With every best wish and kind regard, I remain.

Yours in Christ.

BRENDAN MCBRIDE,
Priest in Residence.

By Mr. BIDEN:

S.J. Res. 15. A joint resolution to revise United States policy on Iraq; to the Committee on Foreign Relations.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 15

Whereas in October 2002, Congress approved, and the President signed into law, the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243);

Whereas the preamble of Public Law 107–243 sets forth the threats to the national security of the United States that required the authorization for the use of force, and those threats were the Iraqi regime led by Saddam Hussein, its weapons of mass destruction programs, its past record of using chemical weapons, and its record of harboring and supporting international terrorist organizations;

Whereas Saddam Hussein has been executed after conviction for committing crimes against humanity, United States intelligence and military units have not discovered weapons of mass destruction in Iraq, and thorough reviews by the Iraq Survey Group and the Special Advisor to the Director of Central Intelligence on Iraq's weapons of mass destruction concluded that Iraq did not have any active weapons of mass destruction programs in the final years of the Saddam Hussein regime;

Whereas with the removal of the Iraqi regime led by Saddam Hussein, the determination that there were no weapons of mass destruction in Iraq, and the establishment of a democratic constitution and a freely-elected government in Iraq, the United States objectives set forth in Public Law 107–243 are no longer relevant to the current situation;

Whereas sectarian violence is the primary cause of instability in Iraq;

Whereas, Iraqis must reach a comprehensive and sustainable political settlement in order to achieve stability, and the failure of the Iraqis to reach such a settlement is a primary cause of increasing violence in Iraq;

Whereas the responsibility for halting sectarian violence in Iraq must rest primarily with the Government of Iraq and Iraqi security forces, and not United States Armed Forces;

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''United States Policy in Iraq Resolution of 2007''.

SEC. 2. PURPOSE.

It is the purpose of this joint resolution to repeal the authorization for the use of force provided in 2002, to transition United States Armed Forces in Iraq to a more limited mission, and to secure the phased redeployment from Iraq of such forces not essential to that new mission.

SEC. 3. REPEAL OF 2002 RESOLUTION.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243) is repealed.

SEC. 4. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to continue participation by United States Armed Forces in Multi-National Force—Iraq, or as part of a successor force, for the purposes of—

(1) Protecting United States and coalition personnel and infrastructure;

(2) Training, equipping, and providing logistical support to Iraqi Security Forces;

(3) Conducting targeted counter-terrorism operations; and

(4) Assisting the Government of Iraq to maintain the security of its international borders.

(b) TRANSITION OF MISSION.—The President shall promptly transition the mission of United States forces in Iraq from the mission authorized by section 3(a) of the Authorization for Use of Military Force Resolution of 2002 (Public Law 107–243) to the limited purposes set forth in subsection (a).

(c) COMMENCEMENT OF PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the phased redeployment of United States forces from Iraq not later than 90 days after the date of enactment of this joint resolution, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for those essential for the limited purposes set forth in subsection (a).

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 5. CONSTRUCTION.

Nothing in this joint resolution shall be construed to—

(a) limit measures necessary to provide for the safety and security of the MultiNational Force-Iraq, including United States Armed Forces;

(b) authorize offensive combat activities by United States Armed Forces in Iran, Syria, or any other state in the Middle East region.

SEC. 6. REPORT.

The President shall submit to Congress not later than 90 days after enactment of this joint resolution, and every 90 days thereafter, a report outlining the activities of the United States Armed Forces pursuant to this joint resolution, and on the progress that has been made in training the security forces of Iraq and promoting a sustainable political settlement.

SEC. 7. DURATION OF AUTHORIZATION.

The authorization under Section 4(a) shall expire on the date that is 12 months after the date of enactment of this joint resolution, unless Congress extends such authorization.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 34—EXPRESSING THE SENSE OF CONGRESS THAT CONGRESS AND THE PRESIDENT SHOULD INCREASE BASIC PAY FOR MEMBERS OF THE ARMED FORCES

Mr. KERRY submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON RES. 34

Whereas the United States continues to rely extensively upon the personnel of the Army, Navy, Marine Corps, Air Force, and Coast Guard who are deployed overseas and stationed at military support installations within the United States;

Whereas uniformed services personnel, regardless of branch of service or whether serving in the active or a reserve component, have carried out their mission objectives with valor, distinction, and steadfast dedication to the cause of liberty and democracy;

Whereas 1,600,000 uniformed service men and women have deployed to Iraq or Afghanistan, many of whom have served multiple deployments;

Whereas there are currently more than 3,000,000 family members and dependents of those serving on active duty and reserve components;

Whereas nearly 40 percent of the members of the Armed Forces, while deployed away from their permanent duty stations, have left families with children behind;

Whereas over ½ of all service men and women who have deployed to Iraq are married;

Whereas military families have persevered in the face of challenges and continue to provide critically important comfort and care and numerous other contributions to their loved ones deployed overseas or stationed across the Nation;

Whereas there currently is a 4 percent gap between the pay of our service men and women and the private sector, and;

Whereas it is in our national interest to offer to the members of the Armed Forces comparable pay to that which the civilian sector provides in order to retain our highly qualified men and women in uniform and to faithfully reward their valiant service to our Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) Congress and the President should increase basic pay for members of all components of the Army, Navy, Air Force, and Marine Corps by 3.5 percent, effective January 1, 2008; and

(2) Congress and the President should provide a special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offsets for dependency and indemnity compensation.

Mr. KERRY. Mr. President, today I am introducing a resolution to insure that our troops get the pay raise they deserve. We are all proud of our men and women in the American military who continue to perform magnificently in Iraq, Afghanistan and around the world. They represent the best that this country has to offer, and America owes them and their families a special debt of honor and gratitude. In light of their sacrifice, my resolution simply states that the Congress and the President should support a 3.5-percent increase in military pay in 2008 and provide a special survivor indemnity allowance to help American military families.

Unfortunately, these provisions are opposed by the Bush administration.

On May 16, the Office of Management and Budget's Statement of Administration Policy for the House fiscal year 2008 Department of Defense Authorization bill opposes section 644 of the bill, which would pay military families a monthly special survivor indemnity allowance from the Department of Defense Military Retirement Fund, calling the existing benefits ''sufficient.'' The Statement of Administration Policy also ''strongly opposes'' the provision of the House bill which provides a 0.5-percent increase in military pay above the President's proposed 3.0 percent across-the-board pay increase, calling it ''unnecessary.''

I am concerned that the Bush administration's actions have failed to appropriately honor our military families who have made the ultimate sacrifice. These actions also stand in direct contrast to the will of the American people who support all efforts to support our troops.

Just go to the Military Times' own blog and read what the troops themselves say, more eloquently than any politician could put it: ''If there is someone in the administration that feels that we, the hard working American soldiers, don't need additional pay raises, then maybe they should get from behind their desk and pick up a gun and vest and go stand guard at the entry control points in Iraq. And while they are out there, lets take away their 6 figure income and give them $3.50 per day on top of anywhere from $15 to $45K per year. For all that we give to keep our country safe, the administration should at least want to help us eliminate any burden we may have financially. No I'm not saying make us rich and no one who enters the armed services expects to ever be rich but we don't expect to have to take out loans just to put food on the table for our families either.''

On this issue of fundamental fairness, the administration told Congress to back down. On this question, the troops will not back down and neither will we.

Those who have stood for us should know that we stand with them, today and always. Maintaining these provisions can do something to ease their burden, but truly supporting our troops requires that we act not just as individuals, but as a nation. I ask all my colleagues to support this resolution to honor our troops and our military families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1255. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1256. Mr. REID (for Mr. DORGAN) proposed an amendment to the bill S. 398, to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes.

TEXT OF AMENDMENTS

SA 1255. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 602 and insert the following:

SEC. 602. PROHIBITION ON ADJUSTMENT OF STATUS FOR Z NONIMMIGRANTS.

(a) PROHIBITION ON IMMIGRANT VISAS.—A Z nonimmigrant may not be issued an immigrant visa pursuant to section 221 or 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202).

(b) PROHIBITION ON ADJUSTMENT.—The status of a Z nonimmigrant may not be adjusted to that of an alien lawfully admitted for permanent residence.

SA 1256. Mr. REID (for Mr. DORGAN) proposed an amendment to the bill S. 398, to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes; as follows:

On page 20, strike lines 10 through 13 and insert the following:

(a) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by striking ''felony child abuse or neglect'' and inserting ''felony child abuse, felony child neglect''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session

to consider Executive Calendar Nos. 53, 54, 55, 77, 78, 79, 80, 81, 82, 83, 103, 110, 112, 114, 116, 118 through 137, 141, 144 through 151, and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Douglas Menarchik, of Texas, to be an Assistant Administrator of the United States Agency for International Development.

Katherine Almquist, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Paul J. Bonicelli, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF VETERANS AFFAIRS

Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

DEPARTMENT OF HOMELAND SECURITY

Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

Douglas G. Myers, of California, to be a Member of the National Museum and Library Services for a term expiring December 6, 2011.

Jeffrey Patchen, of Indiana, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

Lotsee Patterson, of Oklahoma, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Stephen W. Porter, of the District of Columbia, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

NATIONAL COUNCIL ON DISABILITY

Cynthia Allen Wainscott, of Georgia, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

DEPARTMENT OF ENERGY

Steven Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer, Department of Energy.

DEPARTMENT OF COMMERCE

Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration.

NATIONAL CONSUMER COOPERATIVE BANK

Janis Herschkowitz, of Pennsylvania, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Nguyen Van Hanh, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

DEPARTMENT OF VETERANS AFFAIRS

Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.

AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Michael D. Dubie, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Kevin J. Sullivan, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles H. Jacoby, Jr., 0000

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles W. Hooper, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be brigadier general

Col. Loree K Sutton, 0000

The following named officer for appointment as Chief of Chaplains, United States Army and appointment to the grade indicated under title 10, U.S.C., section 3036:

To be major general

Brig. Gen. Douglas L. Carver, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Juan A. Ruiz, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ronald L. Burgess, Jr., 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601

To be lieutenant general

Maj. Gen. Michael A Vane, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David P. Fridovich, 0000

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John G. Castellaw, 0000

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard C. Zilmer, 0000

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Joseph F. Weber, 0000

IN THE NAVY

The following named officer for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael J. Lyden, 0000

The following named officers for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Christine S. Hunter, 0000
Rear Adm. (lh) Adam M. Robinson, Jr., 0000

The following named officer for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Richard C. Vinci, 0000

The following named officers for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. William M. Roberts, 0000
Capt. Alton L. Stocks, 0000

The following named officers for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Robert J. Bianchi, 0000
Capt. Thomas C. Traaen, 0000

The following named officers for appointment in United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Gerald R. Beaman, 0000
Rear Adm. (lh) Mark S. Boensel, 0000
Rear Adm. (lh) Dan W. Davenport, 0000
Rear Adm. (lh) William E. Gortney, 0000
Rear Adm. (lh) Cecil E.D. Haney, 0000
Rear Adm. (lh) Harry B. Harris, Jr., 0000
Rear Adm. (lh) Joseph D. Kernan, 0000
Rear Adm. (lh) Michael A. Lefever, 0000
Rear Adm. (lh) Charles J. Leidig, Jr., 0000
Rear Adm. (lh) Archer M. Macy, Jr., 0000
Rear Adm. (lh) Charles W. Martoglio, 0000
Rear Adm. (lh) Richad O'Hanlon, 0000
Rear Adm. (lh) Scott R. Van Buskirk, 0000
Rear Adm. (lh) Michael C. Vitale, 0000
Rear Adm. (lh) Richard B. Wren, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain Joseph P. Aucoin, 0000
Captain Patrick H. Brady, 0000
Captain Ted N. Branch, 0000
Captain Paul J. Bushong, 0000
Captain James F. Caldwell, Jr, 0000
Captain Thomas H. Copeman, III, 0000
Captain Philip S. Davidson, 0000
Captain Kevin M. Donegan, 0000
Captain Patrick Driscoll, 0000
Captain Earl L. Gay, 0000
Captain Mark D. Guadagnini, 0000
Captain Joseph A. Horn, 0000
Captain Anthony M. Kurta, 0000
Captain Richard B. Landolt, 0000
Captain Sean A. Pybus, 0000
Captain John M. Richardson, 0000
Captain Thomas S. Rowden, 0000
Captain Nora W. Tyson, 0000

DEPARTMENT OF STATE

Mark P. Lagon, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.

DEPARTMENT OF STATE

Phillip Carter, III, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

R. Niels Marquardt, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Comoros.

Janet E. Garvey, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Cameron R. Hume, of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

James R. Keith, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Miriam K. Hughes, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

Ravic Rolf Huso, of Hawaii, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Hans G. Klemm, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Timor-Leste.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN374 AIR FORCE nominations (61) beginning JENNIFER S. AARON, and ending ROBERT S. ZAUNER, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN532 AIR FORCE nomination of Anil P. Rajadhyax, which was received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN533 AIR FORCE nominations (2) beginning DAREN S. DANIELSON, and ending COLLEEN M. FITZPATRICK, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN534 AIR FORCE nominations (4) beginning BRET R. BOYLE, and ending CHAD A. WEDDELL, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN535 AIR FORCE nominations (3) beginning LILLIAN C. CONNER, and ending JONATHAN L. RONES, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN536 AIR FORCE nominations (10) beginning NANCY J. S. ALTHOUSE, and ending PHICK H. NG, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

IN THE ARMY

PN469 ARMY nomination of Timothy E. Trainor, which was received by the Senate and appeared in the Congressional Record of April 26, 2007.

PN537 ARMY nomination of Glen L. Dorner, which was received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN538 ARMY nominations (2) beginning SHIRLEY S. MIRESEPASSI, and ending SCOTT L. DIERING, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

IN THE FOREIGN SERVICE

PN115–3 FOREIGN SERVICE nomination of Ross Marvin Hicks, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN312–1 FOREIGN SERVICE nominations (217) beginning Patricia A. Miller, and ending Dean L. Smith, which nominations were received by the Senate and appeared in the Congressional Record of March 7, 2007.

PN387 FOREIGN SERVICE nominations (21) beginning Edward W. Birgells, and ending Andrea J. Yates, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2007.

IN THE NAVY

PN539 NAVY nomination of George N. Thompson, which was received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN553 NAVY nomination of Dea Brueggemeyer, which was received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN554 NAVY nominations (2) beginning NEAL P. RIDGE, and ending RALPH L. RAYA, which nominations the Senate and appeared in the Congressional Record of May 9, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Madam President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COMMITTEES TO REPORT LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS ON MAY 31, 2007

Mr. REID. Madam President, I ask unanimous consent that on Thursday, May 31, from 10 a.m. to 12 noon, notwithstanding the recess of the Senate, the Senate committees may report legislative and executive calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIAN CHILD PROTECTION AND FAMILY VIOLENCE ACT AMENDMENTS OF 2007

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 110, S. 398.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 398) to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the amendment at the desk be considered agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider laid on the table, and that any statements relating thereto be printed in the RECORD, as if read, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1256) was agreed to, as follows:

(Purpose: To modify the conforming amendments section)

On page 20, strike lines 10 through 13 and insert the following:

(a) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by striking ''felony child abuse or neglect'' and inserting ''felony child abuse, felony child neglect''.

The bill (S. 398), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Child Protection and Family Violence Prevention Act Amendments of 2007''.

SEC. 2. FINDINGS AND PURPOSE.

Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(ii) by inserting after subparagraph (D) the following:

''(E) the Federal Government and certain State governments are responsible for investigating and prosecuting certain felony crimes, including child abuse, in Indian country, pursuant to chapter 53 of title 18, United States Code;''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''two'' and inserting ''the'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) identify and remove any impediment to the immediate investigation of incidents of child abuse in Indian country.''; and

(2) in subsection (b)—

(A) by striking paragraph (3) and inserting the following:

''(3) provide for a background investigation for any employee or volunteer who has access to children;''; and

(B) in paragraph (6), by striking ''Area Office'' and inserting ''Regional Office''.

SEC. 3. DEFINITIONS.

Section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202) is amended—

(1) by redesignating paragraphs (6) through (18) as paragraphs (7) through (19), respectively;

(2) by inserting after paragraph (5) the following:

''(6) 'final conviction' means the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere, but does not include a final judgment that has been expunged by pardon, reversed, set aside, or otherwise rendered void;'';

(3) in paragraph (13) (as redesignated by paragraph (1)), by striking ''that agency'' and all that follows through ''Indian tribe'' and inserting ''the Federal, State, or tribal agency'';

(4) in paragraph (14) (as redesignated by paragraph (1)), by inserting ''(including a tribal law enforcement agency operating pursuant to a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.))'' after ''State law enforcement agency'';

(5) in paragraph (18) (as redesignated by paragraph (1)), by striking ''and'' at the end;

(6) in paragraph (19) (as redesignated by paragraph (1)), by striking the period at the end and inserting ''; and''; and

(7) by adding at the end the following:

''(20) 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care diagnosis and treatment.''.

SEC. 4. REPORTING PROCEDURES.

Section 404 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3203) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''(1) Within'' and inserting the following:

''(1) IN GENERAL.—Not later than''; and

(B) in paragraph (2)—

(i) by striking ''(2)(A) Any'' and inserting the following:

''(2) INVESTIGATION OF REPORTS.—

''(A) IN GENERAL.—Any'';

(ii) in subparagraph (B)—

(I) by striking ''(B) Upon'' and inserting the following:

''(B) FINAL WRITTEN REPORT.—On''; and

(II) by inserting ''including any Federal, State, or tribal final conviction, and provide to the Federal Bureau of Investigation a copy of the report'' before the period at the end; and

(iii) by adding at the end the following:

''(C) MAINTENANCE OF FINAL REPORTS.—The Federal Bureau of Investigation shall maintain a record of each written report submitted under this subsection or subsection (b) in a manner in which the report is accessible to—

''(i) a local law enforcement agency that requires the information to carry out an official duty; and

''(ii) any agency requesting the information under section 408.

''(D) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director of the Federal Bureau of Investigation, in coordination with the Secretary and the Attorney General, shall submit to the Committees on Indian Affairs and the Judiciary of the Senate and the Committees on Natural Resources and the Judiciary of the House of Representatives a report on child abuse in Indian country during the preceding year.

''(E) COLLECTION OF DATA.—Not less frequently than once each year, the Secretary, in consultation with the Secretary of Health and Human Services, the Attorney General, the Director of the Federal Bureau of Investigation, and any Indian tribe, shall—

''(i) collect any information concerning child abuse in Indian country (including reports under subsection (b)), including information relating to, during the preceding calendar year—

''(I) the number of criminal and civil child abuse allegations and investigations in Indian country;

''(II) the number of child abuse prosecutions referred, declined, or deferred in Indian country;

''(III) the number of child victims who are the subject of reports of child abuse in Indian country;

''(IV) sentencing patterns of individuals convicted of child abuse in Indian country; and

''(V) rates of recidivism with respect to child abuse in Indian country; and

''(ii) to the maximum extent practicable, reduce the duplication of information collection under clause (i).''; and

(2) by adding at the end the following:

''(e) CONFIDENTIALITY OF CHILDREN.—No local law enforcement agency or local child protective services agency shall disclose the name of, or information concerning, the child to anyone other than—

''(1) a person who, by reason of the participation of the person in the treatment of the child or the investigation or adjudication of the allegation, needs to know the information in the performance of the duties of the individual; or

''(2) an officer of any other Federal, State, or tribal agency that requires the information to carry out the duties of the officer under section 406.

''(f) REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committees on Indian Affairs and the Judiciary of the Senate and the Committees on Natural Resources and the Judiciary of the House of Representatives a report on child abuse in Indian country during the preceding year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

SEC. 5. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

Section 405 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3204) is amended to read as follows:

''SEC. 405. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

''(a) STUDY.—The Secretary, in consultation with the Attorney General and the Service, shall conduct a study under which the Secretary shall identify any impediment to the reduction of child abuse in Indian country and on Indian reservations.

''(b) INCLUSIONS.—The study under subsection (a) shall include a description of—

''(1) any impediment, or recent progress made with respect to removing impediments, to reporting child abuse in Indian country;

''(2) any impediment, or recent progress made with respect to removing impediments, to Federal, State, and tribal investigations and prosecutions of allegations of child abuse in Indian country; and

''(3) any impediment, or recent progress made with respect to removing impediments, to the treatment of child abuse in Indian country.

''(c) REPORT.—Not later than 18 months after the date of enactment of the Indian Child Protection and Family Violence Prevention Act Amendments of 2007, the Secretary shall submit to the Committees on Indian Affairs and the Judiciary of the Senate, and the Committees on Natural Resources and the Judiciary of the House of Representatives, a report describing—

''(1) the findings of the study under this section; and

''(2) recommendations for legislative actions, if any, to reduce instances of child abuse in Indian country.''.

SEC. 6. CONFIDENTIALITY.

Section 406 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3205) is amended to read as follows:

''SEC. 406. CONFIDENTIALITY.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any Federal, State, or tribal government agency that treats or investigates incidents of child abuse may provide information and records to an officer of any other Federal, State, or tribal government agency that requires the information to carry out the duties of the officer, in accordance with section 552a of title 5, United States Code, section 361 of the Public Health Service Act (42 U.S.C. 264), the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.), and other applicable Federal law.

''(b) TREATMENT OF INDIAN TRIBES.—For purposes of this section, an Indian tribal government shall be considered to be an entity of the Federal Government.''.

SEC. 7. WAIVER OF PARENTAL CONSENT.

Section 407 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3206) is amended—

(1) in subsection (a), by inserting ''and forensic'' after ''psychological''; and

(2) by striking subsection (c) and inserting the following:

''(c) PROTECTION OF CHILD.—Any examination or interview of a child who may have been the subject of child abuse shall—

''(1) be conducted under such circumstances and using such safeguards as are necessary to minimize additional trauma to the child;

''(2) avoid, to the maximum extent practicable, subjecting the child to multiple interviewers during the examination and interview processes; and

''(3) as time permits, be conducted using advice from, or under the guidance of—

''(A) a local multidisciplinary team established under section 411; or

''(B) if a local multidisciplinary team is not established under section 411, a multidisciplinary team established under section 410.''.

SEC. 8. CHARACTER INVESTIGATIONS.

Section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting '', including any voluntary positions,'' after ''authorized positions''; and

(ii) by striking the comma at the end and inserting a semicolon; and

(B) in paragraph (2)—

(i) by inserting ''(including in a volunteer capacity)'' after ''considered for employment''; and

(ii) by striking '', and'' and inserting ''; and'';

(2) in subsection (b), by striking ''guilty to'' and all that follows and inserting the following: ''guilty to, any felony offense under Federal, State, or tribal law, or 2 or more misdemeanor offenses under Federal, State, or tribal law, involving—

''(1) a crime of violence;

''(2) sexual assault;

''(3) child abuse;

''(4) molestation;

''(5) child sexual exploitation;

''(6) sexual contact;

''(7) child neglect;

''(8) prostitution; or

''(9) another offense against a child.''; and

(3) by adding at the end the following:

''(d) EFFECT ON CHILD PLACEMENT.—An Indian tribe that submits a written statement to the applicable State official documenting that the Indian tribe has conducted a background investigation under this section for the placement of an Indian child in a tribally-licensed or tribally-approved foster care or adoptive home, or for another out-of-home placement, shall be considered to have satisfied the background investigation requirements of any Federal or State law requiring such an investigation.''.

SEC. 9. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

SEC. 10. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended—

(1) in subsection (a), by striking ''area office'' and inserting ''Regional Office'';

(2) in subsection (b), by striking ''The Secretary'' and all that follows through ''Human Services'' and inserting ''The Secretary, the Secretary of Health and Human Services, and the Attorney General'';

(3) in subsection (d)—

(A) in paragraph (4), by inserting '', State,'' after ''Federal''; and

(B) in paragraph (5), by striking ''agency office'' and inserting ''Regional Office'';

(4) in subsection (e)—

(A) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(B) by striking paragraph (3) and inserting the following:

''(3) adolescent mental and behavioral health (including suicide prevention and treatment);'';

(C) in paragraph (4), by striking the period at the end and inserting ''and sexual assault;''; and

(D) by adding at the end the following:

''(5) criminal prosecution; and

''(6) medicine.'';

(5) in subsection (f)—

(A) in the first sentence, by striking ''The Secretary'' and all that follows through ''Human Services'' and inserting the following:

''(1) ESTABLISHMENT.—The Secretary, in consultation with the Service and the Attorney General'';

(B) in the second sentence—

(i) by striking ''Each'' and inserting the following

''(2) MEMBERSHIP.—Each''; and

(ii) by striking ''shall consist of 7 members'' and inserting ''shall be'';

(C) in the third sentence, by striking ''Members'' and inserting the following:

''(3) COMPENSATION.—Members''; and

(D) in the fourth sentence, by striking ''The advisory'' and inserting the following:

''(4) DUTIES.—Each advisory'';

(6) in subsection (g)—

(A) by striking ''(g)'' and all that follows through ''Indian Child Resource'' and inserting the following:

''(g) APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT TO CENTERS.—

''(1) IN GENERAL.—Indian Child Resource'';

(B) in the first sentence, by striking ''Act'' and inserting ''and Education Assistance Act (25 U.S.C. 450 et seq.)'';

(C) by striking the second sentence and inserting the following:

''(2) CERTAIN REGIONAL OFFICES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if a Center is located in a Regional Office of the Bureau that serves more than 1 Indian tribe, an application to enter into a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to operate the Center shall contain a consent form signed by an official of each Indian tribe to be served under the grant, contract, or compact.

''(B) ALASKA REGION.—Notwithstanding subparagraph (A), for Centers located in the Alaska Region, an application to enter into a grant, contract, or compact described in that subparagraph shall contain a consent form signed by an official of each Indian tribe or tribal consortium that is a member of a grant, contract, or compact relating to an Indian child protection and family violence prevention program under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).''; and

(D) in the third sentence, by striking ''This section'' and inserting the following:

''(3) EFFECT OF SECTION.—This section''; and

(7) by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

SEC. 11. USE OF TELEMEDICINE.

The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.) is amended by adding at the end the following:

''SEC. 412. USE OF TELEMEDICINE.

''(a) DEFINITION OF MEDICAL OR BEHAVIORAL HEALTH PROFESSIONAL.—In this section, the term 'medical or behavioral health professional' means an employee or volunteer of an organization that provides a service as part of a comprehensive service program that combines—

''(1) substance abuse (including abuse of alcohol, drugs, inhalants, and tobacco) prevention and treatment; and

''(2) mental health treatment.

''(b) CONTRACTS AND AGREEMENTS.—The Service is authorized to enter into any contract or agreement for the use of telemedicine with a public or private university or facility, including a medical university or facility, or any private medical or behavioral health professional, with experience relating to pediatrics, including the diagnosis and treatment of child abuse, to assist the Service with respect to—

''(1) the diagnosis and treatment of child abuse; or

''(2) methods of training Service personnel in diagnosing and treating child abuse.

''(c) ADMINISTRATION.—In carrying out subsection (b), the Service shall, to the maximum extent practicable—

''(1) use existing telemedicine infrastructure; and

''(2) give priority to Service units and medical facilities operated pursuant to grants, contracts, or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are located in, or providing service to, remote areas of Indian country.

''(d) INFORMATION AND CONSULTATION.—On receipt of a request, for purposes of this section, the Service may provide to public and private universities and facilities, including medical universities and facilities, and medical or behavioral health professionals described in subsection (b) any information or consultation on the treatment of Indian children who have, or may have, been subject to abuse or neglect.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

SEC. 12. CONFORMING AMENDMENTS.

(a) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by striking ''felony child abuse or neglect'' and inserting ''felony child abuse, felony child neglect''.

(b) REPORTING OF CHILD ABUSE.—Section 1169 of title 18, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting ''or volunteering for'' after ''employed by'';

(B) in subparagraph (D)—

(i) by inserting ''or volunteer'' after ''child day care worker''; and

(ii) by striking ''worker in a group home'' and inserting ''worker or volunteer in a group home'';

(C) in subparagraph (E), by striking ''or psychological assistant,'' and inserting ''psychological or psychiatric assistant, or person employed in the mental or behavioral health profession;'';

(D) in subparagraph (F), by striking ''child'' and inserting ''individual'';

(E) by striking subparagraph (G), and inserting the following:

''(G) foster parent; or''; and

(F) in subparagraph (H), by striking ''law enforcement officer, probation officer'' and inserting ''law enforcement personnel, probation officer, criminal prosecutor''; and

(2) in subsection (c), by striking paragraphs (3) and (4) and inserting the following:

''(3) 'local child protective services agency' has the meaning given the term in section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202); and

''(4) 'local law enforcement agency' has the meaning given the term in section 403 of that Act.''.

KANSAS DISASTER TAX RELIEF ASSISTANCE ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 1532.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1532) to extend tax relief to residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the

President to warrant individual or individual and public assistance from the Federal Government under such act.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, one of the things in the bill we passed last night that was put in by the Democrats was $40 million to take care of some of the emergency issues in Kansas. That was the right thing to do. This legislation we are passing now will extend tax relief to residents and businesses of Greensburg, KS, as a result of that tornado. I have spoken to Senator ROBERTS about this. He worked on this hard and I am glad we were able to satisfy his requests.

Madam President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, and that the bill now be held at the desk pending action by the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1532) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as ''Kansas Disaster Tax Relief Assistance Act''.

SEC. 2. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting ''May 4, 2007'' for ''August 25, 2005''.

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting ''on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados'' for ''on or after August 25, 2005, by reason of Hurricane Katrina''.

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting ''May 4, 2007'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2008'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' each place it appears,

(B) by substituting ''May 5, 2007'' for ''August 28, 2005'' each place it appears,

(C) by substituting ''December 31, 2008'' for ''December 31, 2007'' in paragraph (2)(A)(v),

(D) by substituting ''December 31, 2009'' for ''December 31, 2008'' in paragraph (2)(A)(v),

(E) by substituting ''May 4, 2007'' for ''August 27, 2005'' in paragraph (3)(A),

(F) by substituting ''January 1, 2009'' for ''January 1, 2008'' in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting ''qualified section 179 Recovery Assistance property'' for ''qualified section 179 Gulf Opportunity Zone property'' each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting ''qualified Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears, and

(B) by substituting ''beginning on May 4, 2007, and ending on December 31, 2009'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting ''qualified Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after May 3, 2007, and before on January 1, 2010'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''May 4, 2007'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv) thereof, and

(E) by substituting ''qualified Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting ''qualified Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after May 4, 2007, and before January 1, 2009'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''qualified storm distribution'' for ''qualified Katrina distribution'' each place it appears,

(D) by substituting ''after November 4, 2006, and before May 5, 2007'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(E) by substituting ''beginning on May 4, 2007, and ending on November 5, 2007'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(F) by substituting ''qualified storm individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(G) by substituting ''December 31, 2007'' for ''December 31, 2006'' in subsection (c)(2)(A),

(H) by substituting ''beginning on June 4, 2007, and ending on December 31, 2007'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(I) by substituting ''May 4, 2007'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(J) by substituting ''January 1, 2008'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

MEASURES READ THE FIRST TIME—H.R. 2316 and H.R. 2317

Mr. REID. Madam President, it is my understanding that there are two bills at the desk, and I ask for their first reading, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title for the first time.

A bill (H.R. 2316) to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes.

A bill (H.R. 2317) to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes.

Mr. REID. I now ask for a second reading, en bloc, and object to my own request, en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I also wish you a happy birthday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Thanks for being here on your birthday. I appreciate it.

AUTHORIZING THE TRANSFER OF CERTAIN FUNDS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1537, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1537) to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I have to say this: The night before last at 9 o'clock at night, I got a call from the White House. They were upset because of this Christmas ornament issue on the emergency supplemental; it is so bad—Christmas tree ornaments in the emergency supplemental.

I said: Do you know what it is about? It is about the Senate Day Care Center.

They have sold Christmas tree ornaments every year to defray the cost for Senate employees for childcare. It doesn't cost the Government anything, but some lawyer said they didn't have the legal authority to do that, and we put language in the emergency supplemental to allow the Senate Day Care to sell Christmas tree ornaments.

They said: If you put it in there, the President is going to veto the bill. So we took it out.

Can you imagine that? It is hard for me to comprehend, in a budget involving $120 billion, the President threatens to veto it over Christmas tree ornaments, something that costs the Government nothing and helps our very valued Senate employees take care of their kids.

Anyway, I couldn't pass that up.

I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD, with no intervening action or debate. And we got it done anyway.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1537) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFERS FROM SENATE GIFT SHOP REVOLVING FUND.

Section 2(c) of Public Law 102–392 (2 U.S.C. 121d(c)) is amended by adding at the end the following:

''(3) The Secretary of the Senate may transfer from the fund to the Senate Employee Child Care Center proceeds from the sale of holiday ornaments by the Senate Gift Shop for the purpose of funding necessary activities and expenses of the Center, including scholarships, educational supplies, and equipment.''.

ORDERS FOR MONDAY, JUNE 4, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2:30 Monday, June 4; that on that day, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, and that the time be equally divided and controlled between the two leaders or their designees; that upon conclusion of morning business, the Senate resume consideration of S. 1348, the immigration legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOYD MAYWEATHER

Mr. REID. Madam President, I know everyone wants to leave, but I have to say this. As a younger man, I had a few fights in the ring. They were very minor compared to real fights in the ring with good fighters, but I had some. Today, I had the pleasure of visiting with a Las Vegas resident, Floyd Mayweather, who just beat Oscar De La Hoya in a split decision—a very big fight in Las Vegas. He is a Las Vegas resident, as I mentioned, and I wanted the record to reflect how gracious this man was to everyone who came up to him in the Senate. He signed autographs, he allowed a lot of pictures to be taken. He was just so nice and such a humble man.

When the books are written about great fighters, he will have to be near the top of the list, if not at the top. He has been deemed to be the greatest pound-per-pound fighter in the history of America, comparable to Sugar Ray Robinson.

It is nice that someone who is so famous would remember his roots and have the humility that he does to treat me, someone whom he came to see, no better than he treated all the people that he visited. So Nevada is fortunate that he considers Las Vegas his home.

ADJOURNMENT UNTIL MONDAY, JUNE 4, 2007, AT 2:30 P.M.

Mr. REID. Madam President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the provisions of H. Con. Res. 158, recognizing that there will be no rollcall votes on the first day we get back, Monday, June 4, 2007.

There being no objection, the Senate, at 1:28 p.m, adjourned until Monday, June 4, 2007, at 2:30 p.m.

NOMINATIONS

Executive nomination received by the Senate May 25, 2007:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be brigadier general

COL. MARK W. TILLMAN, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, May 25, 2007.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DOUGLAS MENARCHIK, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

KATHERINE ALMQUIST, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

PAUL J. BONICELLI, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS E. HARVEY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS).

DEPARTMENT OF HOMELAND SECURITY

GREGORY B. CADE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

DOUGLAS G. MYERS, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2011.

JEFFREY PATCHEN, OF INDIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2011.

LOTSEE PATTERSON, OF OKLAHOMA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2011.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

STEPHEN W. PORTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

NATIONAL COUNCIL ON DISABILITY

CYNTHIA ALLEN WAINSCOTT, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2008.

DEPARTMENT OF ENERGY

STEVEN JEFFREY ISAKOWITZ, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY.

DEPARTMENT OF COMMERCE

MARIO MANCUSO, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

NATIONAL CONSUMER COOPERATIVE BANK

JANIS HERSCHKOWITZ, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

NGUYEN VAN HANH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

DEPARTMENT OF VETERANS AFFAIRS

MICHAEL K. KUSSMAN, OF MASSACHUSETTS, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS.

DEPARTMENT OF STATE

MARK P. LAGON, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH THE RANK OF AMBASSADOR AT LARGE.

PHILLIP CARTER, III, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

R. NIELS MARQUARDT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF COMOROS.

JANET E. GARVEY, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

JAMES R. KEITH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

MIRIAM K. HUGHES, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

RAVIC ROLF HUSO, OF HAWAII, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

HANS G. KLEMM, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL MICHAEL D. DUBIE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEVIN J. SULLIVAN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES H. JACOBY, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES W. HOOPER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. LOREE K. SUTTON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES ARMY AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3036:

To be major general

BRIG. GEN. DOUGLAS L. CARVER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JUAN A. RUIZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD L. BURGESS, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. VANE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID P. FRIDOVICH, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN G. CASTELLAW, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD C. ZILMER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH F. WEBER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL J. LYDEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHRISTINE S. HUNTER, 0000
REAR ADM. (LH) ADAM M. ROBINSON, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD C. VINCI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIAM M. ROBERTS, 0000
CAPT. ALTON L. STOCKS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ROBERT J. BIANCHI, 0000
CAPT. THOMAS C. TRAAEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) GERALD R. BEAMAN, 0000
REAR ADM. (LH) MARK S. BOENSEL, 0000
REAR ADM. (LH) DAN W. DAVENPORT, 0000
REAR ADM. (LH) WILLIAM E. GORTNEY, 0000
REAR ADM. (LH) CECIL E. D. HANEY, 0000
REAR ADM. (LH) HARRY B. HARRIS, JR., 0000
REAR ADM. (LH) JOSEPH D. KERNAN, 0000
REAR ADM. (LH) MICHAEL A. LEFEVER, 0000
REAR ADM. (LH) CHARLES J. LEIDIG, JR., 0000
REAR ADM. (LH) ARCHER M. MACY, JR., 0000
REAR ADM. (LH) CHARLES W. MARTOGLIO, 0000
REAR ADM. (LH) RICHARD O'HANLON, 0000
REAR ADM. (LH) SCOTT R. VAN BUSKIRK, 0000
REAR ADM. (LH) MICHAEL C. VITALE, 0000
REAR ADM. (LH) RICHARD B. WREN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN JOSEPH P. AUCOIN, 0000
CAPTAIN PATRICK H. BRADY, 0000
CAPTAIN TED N. BRANCH, 0000
CAPTAIN PAUL J. BUSHONG, 0000
CAPTAIN JAMES F. CALDWELL, JR, 0000
CAPTAIN THOMAS H. COPEMAN III, 0000
CAPTAIN PHILIP S. DAVIDSON, 0000
CAPTAIN KEVIN M. DONEGAN, 0000
CAPTAIN PATRICK DRISCOLL, 0000
CAPTAIN EARL L. GAY, 0000
CAPTAIN MARK D. GUADAGNINI, 0000
CAPTAIN JOSEPH A. HORN, 0000
CAPTAIN ANTHONY M. KURTA, 0000
CAPTAIN RICHARD B. LANDOLT, 0000
CAPTAIN SEAN A. PYBUS, 0000
CAPTAIN JOHN M. RICHARDSON, 0000
CAPTAIN THOMAS S. ROWDEN, 0000
CAPTAIN NORA W. TYSON, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH JENNIFER S. AARON AND ENDING WITH ROBERT S. ZAUNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007 (MINUS: MITCHELL G. MABREY).

AIR FORCE NOMINATION OF ANIL P. RAJADHYAX, 0000, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH DAREN S. DANIELSON AND ENDING WITH COLLEEN M. FITZPATRICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BRET R. BOYLE AND ENDING WITH CHAD A. WEDDELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH LILLIAN C. CONNER AND ENDING WITH JONATHAN L. RONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH NANCY J. S. ALTHOUSE AND ENDING WITH PHICK H. NG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

IN THE ARMY

ARMY NOMINATION OF TIMOTHY E. TRAINOR, 0000, TO BE COLONEL.

ARMY NOMINATION OF GLEN L. DORNER, 0000, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH SHIRLEY S. MIRESEPASSI AND ENDING WITH SCOTT L. DIERING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF ROSS MARVIN HICKS.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH PATRICIA A. MILLER AND ENDING WITH DEAN L. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2007 (MINUS: MITCHELL G. MABREY).

FOREIGN SERVICE NOMINATIONS BEGINNING WITH EDWARD W. BIRGELLS AND ENDING WITH ANDREA J. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2007.

IN THE NAVY

NAVY NOMINATION OF GEORGE N. THOMPSON, 0000, TO BE CAPTAIN.

NAVY NOMINATION OF DEA BRUEGGEMEYER, 0000, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH NEAL P. RIDGE AND ENDING WITH RALPH L. RAYA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.